LEGISLATIVE COUNCIL

Wednesday 17 August 1988

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

QUESTIONS

VISITING MEDICAL STAFF

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the new Minister of Health a question about visiting medical staff.

Leave granted.

The Hon. M.B. CAMERON: I refer to efforts that visiting medical officers, otherwise known as VMOs (within the hospital system), are making to obtain a 4 per cent productivity award rise. While the majority of staff working in South Australian hospitals have already received this award increase, VMOs have still not had it granted. In fact, they have not had a wage increase, apart from the usual flow-on of national wage decisions, since 1983. As a result, people at this level in this State are fast becoming the poor country cousins of their colleagues interstate. It is certainly a well known fact that these specialists, who are the very backbone of public hospitals in this State, are being driven almost back to the point of holding simply honorary positions within hospitals.

At present, visiting medical specialists—that is, senior specialist doctors—receive during weekdays $47 an hour all inclusive for working at a teaching hospital. On the surface, this might appear quite reasonable remuneration, but when it is considered that that $47 has to pay for the continuing rent of rooms and support staff such as an appointments secretary, it looks somewhat less attractive. When it is learnt that VMOs in New South Wales receive $119 an hour, and VMOs in Western Australia and Queensland receive $80 an hour, it can be seen that this State certainly gets its fair pound of flesh from these senior medical staff.

The previous Health Minister was very fond, on occasions, of referring to the quite staggering salaries that some medical specialists were earning, while general practitioners struggled along on earnings of $35 000 to $40 000 per year. Nobody would dispute that general practitioners sometimes are poorly rewarded for their work, but even a plumber gets a better return than VMOs in this State. To become a visiting medical specialist, one has to go through normal medical training for six years, then do a specialist course for anything up to four or five years, and then spend a considerable time again to reach the top of that profession. It is up to 15 years or more before a person is in the position to become a visiting medical specialist in a hospital.

Today, for a comparison, I checked with a well known plumbing firm to find out what they are paid. If you call out a plumber during the week you are up for $44 for the first hour, and at the weekend you are up for $75 for the first hour. Of course, those rates apply whether the plumber is there for five minutes or for the entire hour.

By comparison, VMOs get $47 an hour of which about $6 is a superannuation component. When it comes to weekends or overtime work VMOs get a 24-hour on-call allowance of $70, in total, regardless of how long that person works. That means that for being on duty all day Saturday or Sunday, at any hour or for the entire 24 hours (if something is really wrong), that person gets just $70. Try asking a plumber to accept that payment if it takes all day Sunday to unblock your drains.

The duties of VMOs are not exactly in the same league, with all respect to Adelaide plumbers. In fact, VMOs must be among the most abused members of the medical profession. These are the people whom the former Minister of Health referred to many times as being robber barons and rip-off merchants. Never once was any appreciation expressed for the long hours that they worked in public hospitals for very little monetary return. If one had to pay the full price under Medicare for the work that these people do the cost would be astronomical.

It is important that we understand what VMOs do, and I will outline some of the duties they are responsible for. They provide normal patient care; supervise all junior staff; liaise with other hospital staff such as social workers, nurses and physiotherapists; provide emergency cover; and they are available to be called out at any hour. On top of that VMOs have teaching responsibilities for undergraduates, post-graduates, and nurses; administrative responsibilities, including attending committees, quality assurance, peer reviews; and academic responsibilities, supervising research activities of junior staff, running clinical meetings and, if they have time, conducting personal research projects.

I understand that the Health Commission has responded to submissions from the South Australian Salaried Medical Officers Association for the 4 per cent productivity rise, but as was expected by these people the commission wants a trade-off. Not content with the wide-ranging benefits it gets from VMOs in this State, the commission wants a 14 per cent offset by increasing the length of VMOs' sessions before it will grant the rise. On top of that I am informed that the commission has asked for 12 other offsets.

This is just part of what the commission is seeking. It also wants an increase in sessional times without increased remuneration (and there has been no pay rise since 1983); Health Commission discretion to alter sessional allocations during current terms of appointment; denial of the right of private practice during sessional times (I do not think the VMOs argue about that); and the signing on and signing off by VMO staff and statements of work done by them while in a hospital during sessional periods. I understand that VMOs will be very pleased with that because then people might know how many hours they spend in the system. My questions are:

1. Will the Minister ask the Minister of Health to direct the Health Commission to cease these excessive and insulting demands in negotiating the 4 per cent productivity rise for VMOs, who do an enormous amount of work at low cost, who work overtime already and who are the cornerstone of our teaching hospitals?

2. What steps will the Minister take to rectify the absurd situation where VMOs in this State are reimbursed for their services at a fraction of that paid to their interstate counterparts?

The Hon. BARBARA WIESE: I will refer the honourable member's lengthy speech and questions to my colleague in another place and bring back a reply.

DISTINGUISHED VISITOR

The PRESIDENT: I notice in the gallery Senator Taviani, who is the Vice President of the Italian Senate. We welcome him to South Australia.

Honourable members: Hear, hear!

MINISTERIAL STATEMENT: COMPULSORY THIRD PARTY BODILY INJURY INSURANCE

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: During this week, members of the public will receive a notice from SGIC detailing changes to the coverage under the Compulsory Third Party Bodily Injury Insurance Scheme. The changes were contained in amendments to the Motor Vehicles Act 1959 and the Wrongs Act 1936. The amendments were based on recommendations arising from a detailed investigation into the compulsory third party scheme. The amendments were aimed at reducing the pressure on compulsory third party insurance premiums.

The amendments made a number of changes which may affect drivers of motor vehicles and third parties injured as a result of a motor vehicle accident. The changes only apply to accidents occurring after the commencement of the legislation, that is, 8 February 1987. They do not affect any rights or liabilities that occurred prior to that date.

As a result of the amendments, a limit has been placed on awards of damages for non-economic loss, that is, including pain and suffering. The amendment set a maximum award of $60 000. This amount is indexed annually in accordance with the consumer price index. The amendments also limit the meaning of the words 'caused by or arising out of the use of a motor vehicle' for the purposes of compulsory third party insurance. Prior to the amendments, the Motor Vehicles Act 1959 provided for compulsory third party insurance protection against liability for death or bodily injury caused by, or arising out of, the use of a motor vehicle. Such 'use' was not further defined.

The 1986 amendments provided for a more restrictive interpretation of the words 'arising out of the use of a motor vehicle'. The reason for the amendment was that the courts had adopted a very expansive interpretation of the phrase. There had been some decisions treating activity which might not ordinarily be regarded as 'use of a motor vehicle' as coming within the phrase for the purposes of the Motor Vehicles Act 1959. Examples of the type of matters which have been covered include: injury arising from the loading or unloading of a vehicle, and injury sustained while alighting from the back of a truck or trailer.

As a result of the 1986 amendment, injuries sustained by a person, other than in consequence of the driving of the vehicle, the parking of the vehicle, or the vehicle running out of control, were no longer covered by the compulsory third party bodily injury insurance scheme. The amendments were aimed at narrowing the compulsory coverage but at the same time, providing compulsory coverage in situations reasonably related to the driving of a vehicle.

At the end of 1987, the Insurance Council of Australia wrote to the Government requesting that consideration be given to extending the cover under the compulsory third party scheme. The Insurance Council cited an example of a situation which would previously have been covered by the scheme but which was excluded as a result of the 1986 amendments, namely, a cyclist injured by the driver of a car negligently opening a vehicle door into the cyclist's path. A number of representations were received expressing support for the view that such a situation should continue to be covered by the compulsory third party scheme.

As a result, the Government introduced legislation earlier this year to deal with this problem. Following debate in the Parliament, an amendment was made providing coverage for death or injuries caused in consequence of a collision, or action taken to avoid a collision with a stationary vehicle. The amendment was made retrospective to 8 February 1987, that is, to apply from the same date as the earlier amendment.

Members of the public should note that the compulsory third party insurance scheme continues to cover death or injury arising in consequences of the driving of a motor vehicle, a collision, or action taken to avoid a collision with a vehicle when stationary, or the vehicle running out of control. Liability for other matters not directly related to the driving of a motor vehicle, etc., can be covered under the third party motor vehicle insurance policies offered by some private insurance companies.

On Sunday, 14 August 1988, an article appeared in the *Sunday Mail.* The article was prepared by Mr M. Newell and was entitled 'Grappling with third party gap'. This article has resulted in a lot of unnecessary concern within the community. The main areas of concerns arising from Mr Newell's article are:

(i) The reference to the possible need for separate insurance cover when driving interstate. This is an isolated problem caused by sections of the New South Wales Transcover legislation. The problem is that, if a South Australian resident is injured in a motor accident in New South Wales, he will not be able to claim under the Transcover scheme in New South Wales, if the accident does not involve a motor vehicle registered in New South Wales, a public transport vehicle, or an unidentified motor vehicle. There is also some doubt about the person's ability to bring a claim for damages in South Australia arising out of such an accident.

The State Government has written to New South Wales expressing its concern at this matter. The South Australian Government intended intervening in a High Court challenge of the Transcover legislation but this was not proceeded with, because of the New South Wales Government's review of the scheme. The New South Wales Attorney-General is chairing a committee examining the Transcover legislation. The committee accepts the need to review the coverage relating to persons from interstate and overseas travelling in New South Wales. The New South Wales Attorney-General has indicated that any legislative amendment arising from the review is likely to be made retrospective to operate from 1 July 1987, that is, the date Transcover commenced operation. In the meantime, SGIC has advised that it will not take the point that South Australians injured in New South Wales by the negligence of drivers of vehicles insured by SGIC are not entitled to damages. Accordingly, a passenger travelling in New South Wales in a South Australian registered motor vehicle, who has a cause of action against a South Australian vehicle, will be covered.

At this time it is hoped that the matter will be resolved by the NSW review without the need for people to take out special insurance cover when travelling in NSW.

(ii) Mr Newell states that the leaflet produced by SGIC does not include the 1988 amendment. This is incorrect. The leaflet does, in fact, embody the most recent changes to the coverage under the scheme.

(iii) Mr Newell's article implies that the compulsory third party scheme no longer covers claims by employees, family members, etc. This is not the case. Some insurance companies may exclude specific groups from the additional coverage offered under their motor vehicle policies. How-

ever, there is no such restriction on compulsory third party insurance cover.

(iv) As to the matter of additional coverage by insurance companies, the Government has held continuing discussions with the Insurance Council of Australia since December 1987. The Government has been advised that SGIC has provided the cover for private motor vehicles under its motor vehicle insurance policy. Some other insurance companies will automatically provide the cover while others will make it an optional extra. If members of the public want to be sure that they have the additional cover, they should discuss the matter with their insurance company.

(v) Finally, I refer to the criticisms by Mr Newell regarding the lack of publicity regarding the changes. On 5 February 1987 I released a press statement relating to the changes to the scheme. They had already been subject to publicity when the legislation was introduced in December 1986. On 14 and 15 February 1987, advertisements were placed in the daily papers detailing the changes.

Early this year the Government held discussions with the insurance industry on the need to publicise the changes regarding coverage. It was agreed that publicity would follow on from the 1988 amendment, that is, once the legislation had passed Parliament. The Bills were introduced in February 1988 and passed both Houses in April 1988. The Acts were assented to on 5 May 1988. Since that time SGIC has prepared the pamphlet, had it translated, printed and made ready for distribution.

QUESTIONS RESUMED

NATIONAL CRIME AUTHORITY

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the National Crime Authority report.

Leave granted.

The Hon. K.T. GRIFFIN: Paragraph 12.1 of that part of the report of the National Crime Authority tabled by the Attorney-General yesterday says:

It is the authority's view that the allegations canvassed in this report, if true, demonstrate that an unacceptable level of unethical practice has been in existence in the South Australian police for a considerable time and that, without the authority's investigations, these allegations might not have come to light. It seems to the authority that there has also been a lack of resolve and perhaps even a reluctance to take effective measures to enable these types of allegations to be brought to the attention of a permanent and independent investigatory unit.

My questions are:

1. What sort of 'unethical practice' is referred to in this paragraph?

2. What period does the description 'considerable time' cover?

3. Are those matters the subject of investigation and, if so, by whom?

The Hon. C.J. SUMNER: In addition to the general conclusions and recommendations, the NCA report, chapter 12 of which was tabled yesterday in Parliament, contains a considerable amount of other material. By and large, that other material relates to operational issues and, in particular, to allegations relating to specific cases and individuals. Accordingly, it is not possible to table that part of the report, nor do I think it is appropriate to indicate the nature of the matters that are presently under investigation or examination and are referred to in the report. What I can say is that, in conjunction with the National Crime Authority, the Police Commissioner will determine which of those matters ought to be pursued immediately.

The National Crime Authority is of the view that some of those matters can and should be pursued immediately. The Police Commissioner and the NCA will confer and determine a method by which those matters can be dealt with. Other matters (and this is something to which the NCA also agrees) can await the establishment of the Anti-Corruption Unit that was announced by ministerial statement yesterday. I am not in a position to indicate the sorts of matter that are referred to in that report. I believe that the Government has done all that can be reasonably expected of it by tabling in full chapter 12 in so far as it related to the general conclusions and recommendations of the NCA. However, I emphasise that the NCA report indicated (and once again I quote as I did yesterday) the following:

The report contains material the disclosure of which to members of the public could prejudice the safety or reputation of persons or the operation of law enforcement agencies.

In the light of that, I do not believe that the specific matters referred to in the report should be made public. It is not appropriate either to outline what further matters might be investigated. As the NCA report states in the paragraph cited by the honourable member, the issue is qualified by the statement 'if true'. Obviously the Government or the Parliament, I would think, would not want to place individuals under suspicion improperly by indicating the sort of thing that might be the subject of further investigation.

EXHIBITION HALL

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about an exhibition hall on the ASER site.

Leave granted.

The Hon. L.H. DAVIS: It was recently announced that an exhibition hall would be built as part of the ASER project. Work is expected to commence on the $15.5 million project in the 1988-89 financial year and will take 12 months to complete. The exhibition hall will be 3 000 square metres in size and will be located on North Terrace immediately west of the controversial silver-grey office building. Mr Pieter van der Hoeven, General Manager of the Convention Centre, claims that the exhibition hall will enable the Convention Centre to attract the larger conventions that involve exhibitions. It is suggested, for example, that the exhibition hall will attract mining, high technology and motor vehicle industry displays. I have consulted six leading national firms in the exhibition industry, all of which are most critical of the size of the proposed exhibition hall.

Mr Trevor Riddell, Managing Director of Riddell Exhibitions, Melbourne, is arguably the top authority on exhibition space in Australia and has been in the industry for 36 years, having organised 219 exhibitions. For eight years he was Chairman of the Melbourne Convention and Visitors Bureau and until late last year he was Chairman of the Exhibition Organisers Council of Australia. He made several points during our discussion.

First, the exhibition industry is one of the fastest growing industries in Australia and the world. Secondly, there is tremendous potential for exhibition space in Adelaide, but many organisers believe that the Adelaide Royal Show grounds are not up to standard for top national or international exhibitions. Thirdly, the proposed exhibition centre should be at least 10 000 square metres, if possible on one level; anything less would be stupid and we should forget

about it. Fourthly, the Adelaide Convention Centre is used for large national and international conventions and more major conventions could be attracted to Adelaide if adequate exhibition space was available. Fifthly, it is important to note that there is a long lead time of three to four years in booking conventions and exhibition space, and 3 000 square metres of space would not be sufficient to rate for many major national and international conventions.

Mr Riddell makes the point that Darling Harbor in Sydney has recently developed 25 000 sq metres of exhibition space and that the Royal Sydney Showground exhibition space is being upgraded. In Melbourne there has been an upgrading of the Royal Exhibition Building, where the exhibition space now totals 24 000 square metres. A new convention centre and exhibition centre is being constructed at the World Trade Centre which will provide exhibition space totalling 25 000 square metres.

Other exhibition organisers that I contacted were equally scathing about the proposed exhibition hall. Comments made included, 'It's Micky Mouse stuff'; 'Absolutely tiny'; 'Does Adelaide really need another large ballroom?'; 'It is a case of Adelaide thinking too small—they obviously do not realise that exhibitions are a boom area and that they will miss out because many exhibition organisers and exhibitors do not regard the showgrounds as suitable'; 'It is too small for top exhibitions' and, of course, 'It does not have conference areas.' For many national and international industrial exhibitions, 600 to 700 square metres is the average space sought. So, 3 000 square metres would be grossly inadequate and, in time, unlike convention centres, exhibition centres can pay their way.

In summary, there is widespread disbelief, disappointment and concern among exhibition organisers that South Australia has muffed it by ignoring the widespread and agreed views of the industry. Instead of 3 000 square metres there is a general agreement in the industry that in the first two or three years the very minimum space required would be 5 000 square metres with many opting for 10 000 square metres. Those are the respected views of professionals in the industry.

Members interjecting:

The Hon. L.H. DAVIS: That's positive. It is just that the Government has ignored professional views, and I would have thought that that is exactly what development is about: doing it professionally and with excellence.

Members interjecting:

The Hon. L.H. DAVIS: We are involving taxpayers' money, too.

An honourable member interjecting:

The Hon. L.H. DAVIS: So, it must be done right. Exactly. My questions to the Minister are: 1. Which convention organisers were consulted before the decision to build the exhibition hall was made?

2. Why were the widespread views of the exhibition industry ignored?

3. Will the Government review its plans for an exhibition hall in view of this widespread concern?

4. Is there any ability to extend or enlarge the exhibition hall on the present site; that is, is there flexibility in Government planning?

5. What additional parking facilities will be created to service the exhibition hall?

The Hon. BARBARA WIESE: Ms President, once again the Hon. Mr Davis shows his ignorance of a topic that he is addressing during the course of Question Time. I really cannot imagine who these people are whom he has been speaking with. They certainly cannot be people who understand the basis from which the Government was working when it was drawing up its plans to construct an exhibition hall in South Australia.

If the Hon. Mr Davis thinks that this Government is so stupid that it would not have consulted the best available sources within the industry as to the adequacy of the proposal that was being put forward by the Government then he really should shove himself off to China or somewhere else because he is so out of touch that it is absolutely unbelievable. In fact, Ms President, from all available information that we have been able to access internationally—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —the fact is that the size of the proposed exhibition hall would allow South Australia to bid for about 75 per cent of the conventions that are held internationally. The space that has been provided there is adequate for us to bid for 75 per cent of the conventions that are currently being held internationally. If that does not suit the Hon. Mr Davis, I do not know what should. Perhaps he thinks we should be all things to all people. Well, in South Australia, we cannot be all things to all people, but what we are trying to achieve is our niche in the international convention business, and we are doing it very successfully with a convention centre capable of holding about 3 000 people in theatre style. With the exhibition space that will now come on stream to support that convention centre, we will be able to bid for a very large proportion of the convention business around the world.

One of the things that the State Government had to consider, because we are a responsible Government using taxpayers' money for the construction of these facilities, was the sums that need to be done on making the exhibition hall financially viable. We wanted an exhibition hall that would be self-funding if at all possible. We have certainly had to make a compromise at the top end, but the compromise we have made will not disadvantage South Australia to any large extent at all in bidding for conferences around the world.

I was particularly personally interested in following up this issue because, prior to the Government's taking the decision that it did, I received a letter from a person based in the eastern States who is involved in the convention industry in Australia and who in fact was drawing to my attention the sort of points that the Hon. Mr Davis is raising, and suggesting that, if the Government did not provide a larger exhibition hall, we would be seriously disadvantaged.

So, this was a matter that I specifically followed up prior to the Government's taking its decision. On all our available information, we were quite confident that South Australia, whilst not being able to bid for 100 per cent of the conferences that are held around the world, would certainly be able to bid for the vast majority of them.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: That is all we need to be able to achieve. We only have to fill the place 365 days a year, and with the space we will have at our disposal we will be in a position to bid successfully for a very large proportion of the business. The points raised by the Hon. Mr Davis and others to whom he has spoken are issues which have been considered and which we do not feel will disadvantage us.

The Hon. L.H. DAVIS: As a supplementary question, could the Minister answer in particular the question: is there any ability to extend or enlarge the exhibition hall on the present site, and what additional parking facilities will be created to service the exhibition hall?

The PRESIDENT: If the Minister wishes to reply, she may. That was part of the original question: it is not supplementary.

The Hon. BARBARA WIESE: I overlooked those questions, I must admit. As part of the plan for the new exhibition hall, an additional 300 parking spaces will be made available in the vicinity.

The Hon. L.H. Davis: Whereabouts?

The Hon. BARBARA WIESE: Beneath.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: With respect to the question about enlarging the exhibition hall, that is a matter on which I will have to take further advice. It is my understanding that the facility to be constructed will not be able to be extended. However, I may be wrong on that, and I will check it with the designers and bring back a reply.

IMMIGRATION

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about immigration.

Leave granted.

The Hon. T. CROTHERS: A report on page 2 of this morning's *Advertiser* again indicated that all is still not well with the Federal Opposition Party's policy on immigration. Indeed, the report states:

> The thorn in Baden Teague's political paw has been the issue of immigration. More precisely, it has been the decision by the Opposition Leader, Mr Howard, to force a radical shift away from the established bipartisan support for multiculturalism.

Just for the benefit of this Chamber, I point out that Senator Baden Teague is a South Australian Liberal Party Senator representing this State on behalf of his Party in another Parliament. More importantly, he is also the Chairman of the National Opposition Party's immigration policy committee. Indeed, it appears that Senator Teague is at serious odds with Mr Howard's latest immigration policy. My questions, therefore, are as follows: first, does he, as the Minister of Ethnic Affairs, still favour an immigration policy based on bipartisan support? Secondly, does he believe that the way in which Mr Howard appears to have descended to the gutter, indeed, perhaps even the sewer, in his quest for electoral gain, will have any detrimental effect on overseas investment into Australia?

The Hon. R.I. Lucas: There's a motion on this.

The PRESIDENT: The motion has not been moved; it is not a topic for debate until it has been moved. I have checked with Erskine May on this point.

Members interjecting:

The Hon. C.J. SUMNER: Madam President, I must confess to some surprise. I had assumed that you would rule the question out of order, but that does not mean that I should not give the question the attention which it deserves. Similar issues will certainly be the subject of debate when I move later today the motion of which I have given notice. There is no doubt that I do favour a return to the bipartisan approach within Australia to immigration and to multiculturalism. I think the Liberal Party's excursion into this debate, apparently prompted by the Leader of the Federal Opposition, has all the hallmarks of making policy on the run.

Both Mr Howard's references to 'one Australia' and his then apparent throw away line on Asian immigration, saying that he expected Asian immigration to be slowed, have obviously caused major ructions and major disruptions in the Liberal Party.

The Hon. M.B. Cameron: How could you think that?

The Hon. C.J. SUMNER: Well, I do read the newspapers from time to time. We now have the rather curious situation where Mr Howard talks in these terms and Mr Cadman, the official spokesman for the Liberal Party and shadow Minister, says that the new policy as announced by Mr Howard could mean either more immigration or less immigration, depending on the circumstances.

The Hon. R.I. Lucas: From Asia.

The Hon. C.J. SUMNER: Yes. Senator Baden Teague, the Chairman of the Liberal Party's Committee on Immigration and Ethnic Affairs in the Federal Parliament, is very critical, and he is apparently coming of age as a political figure as a result of this debate. We then have the other side of the coalition—the National Party, in the form of Senator Stone and Mr Sinclair—saying that the policy espoused by Mr Howard definitely means a reduction in Asian immigration. It really is incumbent on the Liberal Party to sort it out and let the Australian people know where it stands. If it is now jettisoning bipartisanship in this area, let it say so quite emphatically and we will then have the lines of debate drawn in the community; we will know where we all stand. However, I hope that—

The Hon. K.T. Griffin: Who sets the guidelines for bipartisanship?

The Hon. C.J. SUMNER: Bipartisanship has operated in the past—

The Hon. K.T. Griffin: What do you mean by that? Who sets the standards?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: What I mean are basically two things. First, I mean a commitment to a non-racially biased immigration policy, as far as the entry to Australia of immigrants is concerned; and, secondly, I mean a commitment to the broad principles of multiculturalism which have been espoused and accepted by both major political Parties during the past 15 years.

The Hon. R.J. Ritson: Mr Cadman has restated that.

The Hon. C.J. SUMNER: Mr Cadman has restated it, and that is all very well for Mr Cadman. But Mr Howard has not restated it. In fact, Mr Howard has provoked the debate on it, I believe, with the deliberate intention of trying to break the bipartisan policy. Certainly his coalition partners, Senator Stone and Mr Sinclair, have very emphatically said that there is no longer a bipartisan policy on immigration and ethnic affairs. I believe that, while there can be arguments about particular aspects of the policy, particular programs and the like, that is fair enough.

It seems to me that the bipartisan policy which both Parties have accepted, essentially for the past 15 years, on those broad principles, ought to be reaffirmed. I think that Mr Howard has done a disservice to the community in the way in which he has raised these issues. Had he wished to raise them and had given proper consideration to them, and the Liberal Party had considered them and that is what the Liberaly Party had determined nationally—we ought to jettison multiculturalism in the notion of a 'one Australia' concept and that we ought to go back to a discriminatory immigration policy—then the battle lines could have been drawn and we would have been able to have a debate about it.

I think that the way in which he raised it is most unfortunate. Certainly, it is unfortunate for the Liberal Party and the coalition because they have absolutely no idea where they stand on this issue; but it is more unfortunate for the nation because he has not done it in a way that is considerate and careful, so that people can understand where he stands.

Later today I will move a motion that will be part of working towards a reaffirmation of the bipartisan policy that existed on those two points, through the Whitlam Government, through the Fraser Government, and through the Hawke Government. I also think, with respect to the honourable member's second question, that, if the Liberal and National coalition Opposition come out with an immigration policy based on racial grounds, there is little doubt that Australia will pay the price of that policy in terms of its economic relations and development—its trading relations—with its near neighbours in this Asian Pacific region.

ROXBY DOWNS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism who represents the Minister of Mines in another place a question about the Roxby Downs mining licence.

Leave granted.

The Hon. I. GILFILLAN: At this moment I assume that the Radiation Protection Committee of the Health Commission is meeting to discuss the Roxby Downs mining licence application. It is of some interest to realise that although there has been a lot of publicity and acceptance that Roxby Downs is part of the South Australian future it, up until now, has not had a formal mining licence and has only had an exploration development licence.

Members of peace and environment groups are protesting outside the Health Commission office in Hindmarsh Square because of their understandable concern in several areas in relation to South Australia being involved with uranium mining. The Democrats are very concerned that the granting of a licence will be a mere formality, just as occurred with the granting of the water licence despite all the evidence of environmental damage to the Mound Spring. The so-called flag swapping revelations in Federal Parliament last April very clearly showed that Australian uranium can end up in nuclear bombs without our knowledge, and this demonstrates that uranium exported from Roxby Downs will link South Australia to the nuclear bomb industry.

I intend to ask the Minister questions relating to that. I also assume that the Government is so pig headedly determined in linking us in, as a uranium mining State, that uranium oxide could be moved through Port Adelaide. I will also ask a question about that. My questions are:

1. Is the Minister aware that there is no guarantee that South Australian uranium, if exported, will not end up in bombs?

2. Has this information been taken into account in discussions about a mining licence for Roxby Downs?

3. Does the Minister recognise that the export of uranium from Roxby Downs will lock South Australia into the nuclear armaments chain?

4. Will the Government consider granting a licence that excludes the exporting of uranium?

5. Finally, in the event that uranium oxide is moved through South Australia to a shipping port and there is an accident, what State Government contingency plan is available should radioactive material from Roxby meet with an accident *en route*?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

TAPE RECORDED INTERVIEWS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about the use of tape recorders when gathering evidence.

Leave granted.

The Hon. DIANA LAIDLAW: The Department for Community Welfare has circulated a branch head circular, No. 1904, relating to the use of tape recorders in evidentiary interviews with children. This circular is signed by Leah Mann, the Deputy Chief Executive Officer, and states:

> It has come to my attention that some field staff have been advised by Crown Law to use tape recorders when collecting evidence from children in initial interviews. To date the department has not looked at the issues for workers and for the outcome of INOC proceedings in the use of tape recorders and no guidelines have been established. The advantages and disadvantages of using tape recordings for presentation of evidence need careful consideration before instructions can be given in relation to their use. I am therefore instructing that until further notice tape recorders are not to be used in interviews with children under any circumstances. Courts may request the production of original notes and this would include tape recordings used solely for this purpose. Until guidelines are developed for their use, such recordings could in fact damage the department's case if strict legal requirements are not complied with.

This directive, 1904, relates particularly to interviews with children where allegations of child sexual abuse are made. As the Attorney-General would be aware, there have been cases before the courts where there has been a dispute as to the accuracy of a written record of interview. In such instances, audiotapes and videotapes would have assisted in determining the truth and provided a better prospect of achieving justice. It seems curious that Crown Law officers would be making recommendations for a tape recording of interviews obviously to assist them in presenting a case, when on the other hand the Department for Community Welfare, which is charged with the responsibility under statute of ensuring that a child's best interests are paramount, should be giving a direction to its staff to the contrary. My questions are:

1. Can the Attorney indicate why the Department for Community Welfare is not complying with the requests of Crown Law officers?

2. Does it not appear from the directive (branch head circular 1904) that the Department for Community Welfare is putting its own interests ahead of the interests of the child or justice?

The Hon. C.J. SUMNER: The answer to the second question is clearly 'No'.

The Hon. Diana Laidlaw: On what basis do you say that? Do you want to read the circular?

The Hon. C.J. SUMNER: No, you just read it. I understand the circular.

The Hon. Diana Laidlaw: On what basis do you say that?

The Hon. C.J. SUMNER: I will get onto it if you will just keep quiet, sit back and relax. I will enjoy the afternoon—

Members interjecting:

The PRESIDENT: Order! I would ask all members to address the Chair.

The Hon. C.J. SUMNER: I am not sure about the honourable member's assumptions about the advice that has been given by Crown Law in relation to this matter and, before providing a specific answer, I would need to ascertain what advice, if any, the Crown Solicitor's Office has given to the Department for Community Welfare about this matter.

The honourable member said that there can be disputes about the accuracy of written material in the courts, that is, where statements are taken down in writing. That is quite true; there can be disputes about that sort of thing. It is also true, however, that there can be disputes about audiotapes. There can be disputes particularly if the audio-

tapes are not taken in a way which ensures that, when they get before the court, the capacity to challenge them is minimised and, if you have people taking interviews in circumstances where there are no guidelines as to how it should be done, or the circumstances in which it should be done, you do run the risk of a challenge to the audiotapes.

Presumably, Community Welfare Department officers interviewing are well versed in the guidelines and requirements relating to the taking of written statements. I assume from what the honourable member has said, that they are not as well versed in the requirements for taking audio statements from children. Certainly, I would expect that the Department for Community Welfare has no objection in principle to taking statements of children by tape recorder.

However, it is true that the whole statement—the whole tape—would have to be made available to the court if called by the defence counsel, and it seems to me that it may be prudent to ensure that if the tapes are to be produced, they ought to be made in accordance with guidelines which ensure that the statements are taken properly and that the tapes are in a form which will first of all be admissible in court and, if admissible, not subject to criticism by defence counsel or, indeed, the judge or magistrate. So, I suspect the answer to the honourable member's question is that there is no problem with the audiotaping of statements from witnesses in the child abuse area and that there may well be considerable advantage in it. That would be my own view.

Secondly, it may be desirable to have guidelines issued to Community Welfare Department officers as to how those tapes are taken, and I certainly would not see the department's actions as being contrary to the interests of children. I think what they are doing is being cautious, by the sound of it. I have little doubt that at some point in time guidelines will be issued dealing with the audiotaping of statements of witnesses. However, I will, in order to provide a more informed answer to the honourable member's question, ascertain the nature of the Crown Law advice to the Department for Community Welfare and what the intentions of that department are with respect to this matter.

'ONE AUSTRALIA' POLICY

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of State Development and Technology, a question about the 'one Australia' policy.

Leave granted.

The Hon. M.S. FELEPPA: The Federal Leader of the Liberal Party, John Howard, recently called for a 'one Australia' policy and made some comments which suggest a cut in immigration by Asians. Since then, both the National Party leader, Mr Sinclair, and the National Party leader in the Senate, Senator John Stone, have both clearly stated their desire to alter the mix of migrants coming to this country by reducing the number of immigrants.

How does the Minister view the Federal Opposition's plan to reduce immigration from Asia, and how does the Minister believe that the recent policy statements of the Federal Opposition led by John Howard will affect our efforts to increase trade and attract business migrants from Asia?

The Hon. R.I. LUCAS: On a point of order, I think there is some confusion on the back bench. They have both been given the same question to ask today.

The Hon. M.S. FELEPPA: The difference is that I am asking my question of—

The PRESIDENT: There is no point of order.

The Hon. M.S. FELEPPA: —the Minister of Tourism.

The PRESIDENT: So, was it not a question to the Minister representing the Minister of State Development?

The Hon. M.S. FELEPPA: How does the Minister view—

The PRESIDENT: Yes, I heard the question, but it was a question to the Minister of State Development and Technology. Is that correct? The Attorney-General represents the Minister of State Development and Technology.

The Hon. M.S. FELEPPA: I seek your assistance to sort things out.

The PRESIDENT: I believe that a sheet of paper has been provided to all members showing which members of the House of Assembly are represented by which Ministers in this Council.

Members interjecting:

The PRESIDENT: Oh, do keep quiet when I am trying to talk.

The Hon. M.S. FELEPPA: There is not any convention regarding what I should ask. Am I compelled to ask a question of the Minister representing a Minister in the other House? Am I allowed to ask a question of another front bencher as Minister, or not?

The PRESIDENT: You may ask a question of anyone you wish.

The Hon. M.S. FELEPPA: I asked the question of the Minister of Tourism.

The PRESIDENT: I am sorry. I thought you said you wanted to direct a question to the Minister representing the Minister of State Development.

The Hon. M.S. FELEPPA: I changed my mind.

The Hon. BARBARA WIESE: The Hon. Mr Feleppa, as I understood his question, was asking how, if in any way at all, the statements that have recently been made by Federal Liberal leaders would affect both business migration and tourism within Australia. I might say, Ms President, that this matter is of grave concern to me, as I know it is of great concern to the Minister of State Development and Technology. We receive considerable tourism and business from Asia, and it is of grave concern to us that statements that are being made by Federal leaders could in any way jeopardise some of the things that are happening here.

With respect to tourism, in the past 12 months to June 1988 visitation from Asia has increased by 36.3 per cent. During the first nine months of this past year, visitation from Japan alone has increased by 78 per cent. The latest figures relating to business migration show that between July 1982 and March 1988 approximately two-thirds of all business migrants to Australia came from Asia, predominantly Hong Kong, Singapore, Malaysia, Indonesia and Taiwan. In South Australia the picture is very similar. The full year's figures are not available but, in the first nine months, two-thirds of business migrants to this State came from Hong Kong and Taiwan. Some 200 families have come to South Australia bringing approximately $160 million, which has been invested into various businesses and has created jobs for South Australians.

It must be remembered that we do not live in a vacuum. Statements by prominent leaders in Australia are picked up in newspapers around the world. In recent times, some very damaging articles have appeared in newspapers in Asia. On the weekend, the *Age* reported that articles that have recently appeared in a newspaper in Kuala Lumpur were very damaging to Australia's cause. With a headline, 'Racist thinking will only make it hard for Aussies', the paper said that Australian racists, some under the guise of politicians and academics, were making immigrants feel inadequate, insecure and even subhuman. That article in the Kuala Lumpur

Star was very damaging to Australia and to the efforts that are being made by the Australian Government and the South Australian Government to encourage both tourism and business migration from that part of the world to this State.

The article in the *Age* went on to report the remarks that had been made by businessman Andrew Hay, who is even further to the right than John Howard, Ian Sinclair and people of that kind who have recently made these statements. Mr Hay was quoted as saying that he was aware that the debate was causing concern in Asian countries and that commonsense would suggest that it could damage our trade prospects in that region. This is of deep concern to me as Minister of Tourism because I know from my own experience earlier this year when I visited Japan and some South-East Asian countries that there is still considerable sensitivity by some people in those countries about the former 'White Australia' policy.

I was in Japan at about the time that a number of articles appeared in Australian newspapers expressing an anti-Japanese investment attitude, particularly investment in Queensland and New South Wales. That matter was raised with me by some Japanese businessmen with whom I spoke because they are concerned that, wherever they invest, they are welcomed by the host country. They wanted to be reassured that Australia does welcome their investment.

I do not think that the statements that have been made by Federal Opposition leaders should be dismissed lightly because the potential damage is very significant. I might also say that it is not only damaging to our business migration program: it is also very damaging to the work that is being done to attract foreign students into our learning institutions. When I was in Hong Kong, I learned that many young people who come to Australia to study bring tourism with them because members of their family travel to and from the host country, sometimes two or three times a year, in order to make contact with them. Those things could be jeopardised greatly by the actions of Opposition leaders.

When I was in Singapore, on behalf of the Australian Tourism Commission I hosted a reception and launched the most recent consumer advertising campaign by the ATC, which is directed at consumers in Asia. It is the most significant campaign that the commission has conducted in Asia and it has had enormous success already in those markets. All of the efforts undertaken by State and Commonwealth Governments could amount to nothing if statements made by prominent Australian politicians are reported in newspapers in Asia and those views are accepted as the views of all Australians.

We must ensure that it is recognised in Asia that South Australia welcomes these people to our shores. I call on the Leader of the Opposition in this Parliament, not simply to dissociate himself from the remarks that have been made by his Federal Leader or say that he should have been consulted about them but also to join with the State Government in making a statement directed clearly at people in Asian countries to make them well aware that Asian migrants, Asian tourists and Asian investment are very welcome in this State.

RIVERLAND TOURISM

The Hon. J. F. STEFANI: I seek leave to make a brief statement before asking the Minister of Tourism a question on the subject of tourism in the Riverland.

Leave granted.

The Hon. J.F. STEFANI: From 23 to 28 October, the fourth International Micro Irrigation Congress is to be held in Albury/Wodonga. It will attract 1 000 people from throughout the world. The South Australian Riverland would have been the logical place to hold the congress because the area generally and the Loxton Research Centre particularly are focal points for the development of improved irrigation techniques in Australia. The Riverland Development Council estimated that the congress would have generated income to the region of almost $1.3 million. That is the equivalent of supporting more than 80 jobs in the region for 12 months. However, the Opposition has been told that the Riverland has lost out on the opportunity to host this congress because the organisers were advised by the South Australian Tourism Department that the Riverland did not have sufficient beds to accommodate congress delegates. It looks to me as though the Government blew it.

The PRESIDENT: Order! A question may not express an opinion.

Members interjecting:

The PRESIDENT: Order! I have drawn this to the attention of members on both sides of this Chamber.

The Hon. J.F. STEFANI: The people of the Riverland rang me expressing the opinion that the Government blew it. My questions to the Minister are:

1. What discussion did her department have with the organisers of the fourth International Micro Irrigation Congress on staging the congress in the South Australian Riverland?

2. Did the department advise the organisers that the Riverland did not have the 1 000 beds required to accommodate congress delegates?

3. Will the Minister table in the Council all relevant dockets and correspondence from her department relating to this matter?

The Hon. BARBARA WIESE: I do not know whether the organisers of this congress contacted representatives of Tourism South Australia. It is contacted daily by people who are interested in hosting conferences and I am not informed about each and every case. However, I will make inquiries about the congress to which the honourable member has referred and seek to bring back replies to his questions.

The Hon. T.G. ROBERTS: I move:

That pursuant to section 18 of the Public Works Standing Committee Act 1927 the members of this Council appointed to the Parliamentary Standing Committee on Public Works under the Public Works Standing Committee Act 1927 have leave to sit on that committee during the sittings of the Council on Thursday 8 September 1988.

Motion carried.

CONSTITUTIONAL REFORM

Adjourned debate on motion of Hon. C.A. Pickles:

That this Council applauds the Federal Government for its commitment to constitutional reform as shown by the establishment of the independent Constitutional Commission; that this Council acknowledges that the involvement of the community in the work of the commission sets it apart from all previous attempts to reform the Constitution; that its work, as reflected in the reports of the commission and its advisory committees, establishes the blueprint for the future of constitutional reform. Further, that this Council urges all members to work with all other Australians committed to the principles embodied in the four referendum questions relating to four year terms and concurrent elections for both Houses of Parliament; fair and democratic elections; constitutional recognition of local government; extended guarantees of trial by jury, religious freedom and fair compensation to ensure they are approved at the referendum on 3 September 1988.

(Continued from 10 August. Page 100.)

The Hon. K.T. GRIFFIN: I oppose the motion. Yesterday, Professor Davis, Emeritus Professor of Politics at Monash University and Victorian barrister, said:

> The greatest single objection to the four proposals of the bicentennial referendum is that they do not tell the people the whole of the truth.

He went on to say:

> The public must learn that never before in the history of referendums has an Australian Government put four complex issues to a referendum with so much concern to hide its motives, or hide the truth of why it has chosen these four proposals from the 80 or more that were recommended by the Constitutional Commission.
>
> What the Government told the people is that its four 'proposals should be seen as a first instalment in a long and steadily maturing process'. But no Government can ever promise further 'instalments' because no Government can ever know how long it will hold on to office.

He further said:

> By aligning the terms and the election dates of the Senate and the House of Representatives, the Government aims to weaken the Senate.
>
> By depriving the States of the right to choose their own electoral system by conferring constitutional recognition on State-controlled local authorities and by questioning the ability of the States to protect the rights and freedoms of their citizens, it strikes at State powers and State confidence.
>
> It cannot be said often enough that the diffusion of power in Australia is one of the great bulwarks of our liberty. Outside the personal benefit to the present Government of the first proposal, the remaining three offer little more than illusory gifts for the price of taking apart the very Federal system that helps to guarantee their liberties.
>
> For all the Government's reiteration of the 'need to retain in form and spirit the Federal framework of government in Australia', the effect of these four proposals is entirely the opposite.
>
> Instead of using the occasion of the bicentennial year to declare its belief in the strength of the Federal system, the Government, perversely, has launched four proposals that eat at the authority of the States, discourage their initiative and lower public confidence in their ability to govern.
>
> In sum, the four referendums are misleading. They profess one thing; they mean another. They cannot achieve the results the Government claims for them. The one thing they are certain to achieve is to increase the power of government in Canberra.

Many other eminent Australians hold the same view, and many ordinary Australians are now beginning to see the deceit of the Federal Labor Government in proposing major changes to the Australian Constitution. Many more people are now awake to the possibilities if the referendum proposals pass. I ask, 'Why do we need the changes proposed by the Labor Party?' The Australian Constitution has provided a good framework for Australia's growth as a Federation for the past 87 years. Its emphasis has changed in that time. Power has become more centralised and specific provisions, such as the external affairs powers, have been interpreted by the High Court in such a way that the Commonwealth Government has been given power over State matters beyond the dreams of even the staunchest centralists in the Labor Party and, combined with the use of such powers as section 96 relating to tied grants, even more power has moved to Canberra under this 87-year-old document.

The Australian Constitution, however, is a living document that has changed in its application with the times, but the Federal system, its bicameral legislature and its independent judiciary have provided the necessary checks and balances against dramatic change and abuses of powers. The Labor Party wants these referendum proposals passed because it is obsessed with weakening the Senate, which has rejected the ID card and the Bill of Rights, and has protected Australians from other radical change. The Labor Party's objective is to ensure that Australians can never again be protected from the abuses of the Whitlam Labor Government type. It rejects the power of the Senate to amend or reject legislation. It wants to emasculate the Senate.

These referendum proposals are dressed up to achieve that objective. They are wolves in sheep's clothing. They are like the wolf who ate Little Red Riding Hood's grandmother. The questions are couched in innocent looking terms which any self-respecting, reasonable Australian would feel self-conscious about rejecting. But the questions are waiting to pounce and, when passed, they will shed the sheep's clothing or grandmother's bed clothes and gobble up the existing provisions of the Australian Constitution that protect us from governmental abuses and the centralisation of power in a Federal Government in its isolated ivory tower in Canberra. Rather than providing protections to citizens, the changes will allow abuses.

The Hon. Carolyn Pickles had the gall to repeat, or parrot, the propaganda of Mr Bowen and promote his hidden agenda, the agenda to both weaken the Senate and place greater power in the Executive Government in Canberra and also politicise the High Court. She talked about the need to update the Constitution, to make it more relevant to our nation in its bicentenary year and into the next century. I ask, 'What is so different about 1988?' Nothing! Our Constitution has lived for only 87 years, but it has lived effectively. Some people may not like the way in which the High Court, during the bulk of that time, has protected the citizen and the Federation, but that is no reason for change. After all, the United States Constitution, the Constitution of the greatest democracy on earth, has been around for 200 years and has been the subject of only a relatively small number of amendments, in fact 26 amendments in 200 years compared with our nine amendments in 87 years. The Hon. Carolyn Pickles showed a remarkable ignorance of constitutional history in Australia or deliberately chose to ignore it.

The Constitutional Commission that was set up by the Hawke Labor Government departed in every way from previous reviews of the Australian Constitution. The 1890 conventions were drawn from elected representatives in the States. Those conventions led to the development of the Australian Constitution, its enactment and, finally, the creation of the Federation in 1901. Those conventions were drawn from elected representatives in the States. The 1970s and early 1980s Constitutional Conventions were drawn from elected representatives of the Commonwealth, the States, the Territories and local government. All the members of those delegations were accountable publicly; they were accountable ultimately to their electorate. The delegations were balanced as between Parties and on issues they did not always divide on Party lines. The reason why their recommendations were never passed was that Federal Governments which had the sole right to initiate referendum proposals for changing the Australian Constitution would never put the questions to the Australian people.

It is all very well for the Hon. Mr Sumner, who has on occasion criticised the Australian Constitutional Convention and asked what has it achieved? Yet he will not face up to the fact that Federal Governments of both political persuasions refused to put issues which were agreed to by a significant majority of members of those conventions to the Australian people as referenda to amend the Australian Constitution.

Mr Hawke's Constitutional Commission was picked by the Federal Government; it was not balanced in its representation from the Commonwealth, the States, the territories and local government. Its members were not elected and were not responsible to an electorate but were account-

able only to the Federal Government—the executive arm of Government.

It received over $10 million to do its work. It was chaired not by an independent person but by an avowed centralist who had been Commonwealth Solicitor-General. It is interesting to note that, for all its profession of support for equal opportunity, the Federal Labor Government could appoint only one woman to the commission out of five members. The Federal Government could not even wait for the commission's recommendations before announcing the questions it decided would be put to a referendum. It made its own decision and later expected its hand-picked commission to publicly support those proposals. The commission has no credibility in this debate, and the Federal Government has hijacked constitutional change—not constitutional reform. Reform implies change for the better; no such judgment can be made of the four questions before the people on 3 September.

Before turning to the particular questions, I refer to a paper by Mr W.A.N. Wells, a former Crown Solicitor, then Solicitor-General for South Australia and a former South Australia Supreme Court judge. He has written a most illuminating paper on the referenda. He makes the following observations:

> Some believe that the referendum merely calls on each elector to answer 'Yes' or 'No' to a few simple questions.
>
> The electors responsibilities, however, go much further than that. They should understand that what is proposed is by a set of what are called constitutional alterations—changes to the constitution—to make some 25 changes in the text of the Commonwealth Constitution. The changes comprise amendments, deletions, substitutions of new sections for old, and the insertion of wholly new sections. Some of the new sections have several subsections.

Mr Wells then goes on to say:

> As the long titles foreshadow, scattered through the text of the proposed alterations are a number of familiar expressions that often become the subject of controversy amongst those in each State who, in public generally, or in State Parliament, are concerned to maintain what they regard as the democratic way, for example, trial by jury, acquisition of property on just terms, religion and the free exercise of religion, the system of local government, fair distribution of electoral division, entitlement to vote and disqualification from voting. In the community and in Parliament those who pursue the democratic way of debate and resolution are likely from time to time to use those expressions. They would no doubt agree amongst themselves in general terms upon their meaning, but they would not be anxious to define them too precisely or exhaustively, for some flexibility of meaning assists in remoulding, as circumstance or occasion demands, the institutions or tenets to which the expressions refer. It is an old saying that, if you want to stifle an idea, define it. In the course of time each community is thus enabled, by following the democratic way, to create and establish institutions and tenets to suit its own particular needs and standards.
>
> The meanings of those same expressions, however, if and when they appear in the Constitution, and the provisions that embody or relate to them, do not when subjected to a comprehensive challenge at law, admit of such flexibility. No ferment of opinion and counter opinion within a State community can lead to the shaping of the institution or tenet to which the expressions refer. Put to the ultimate test, they will mean what the High Court says they mean, unaffected by the particular needs and traditions of individual State communities, and, except to the extent that the Constitution authorises, uncontrolled by any meaning given to them by State legislation. The High Court will be constrained to use whatever reasoning, evaluation and judgment are called for to interpret the Constitution, even if they are carried into spheres of political theory and practice that previously have been determined by and through the democratic processes of State communities.

This is the critical factor in this debate which has not yet been appreciated publicly. The High Court will ultimately decide what each of the changes to the Constitution mean. The High Court will be not just a decider of the law but a decider of what is socially acceptable. The High Court will become an interpreter of social attitudes of the time, as is the United States Supreme Court. That court changes its views from time to time on the same provision of the United States Constitution. For example, capital punishment is now legal and constitutional where previously the United States Supreme Court had held it to be unconstitutional. I refer also to the many different positions relating to bussing, desegregation and freedom of religion, where the court has actually adopted an executive role overseeing the implementation of changes in constitutional decisions.

The first referendum question is: do you approve of an Act to alter the Constitution to provide for four year maximum terms for members of both Houses of the Commonwealth Parliament? Many in the community are prepared to give a Government four years to do its job, but this provides no guarantee that a Government will serve four years. A Prime Minister can still call an election at any time and, more significantly, he can take the full Senate with him on each occasion. At present, there are checks against abuse. A double dissolution can be held in limited circumstances. Otherwise, Senators have fixed terms and, generally speaking, half are elected at each election. This evens out the troughs and peaks of electoral emotion.

It is quite conceivable that a Prime Minister could take both Houses on a momentary and highly emotional issue and win both Houses. In that event, there are no checks against abuse of power. The present proportional representation system for the Senate can be amended. One must remember that it is not enshrined in the Constitution. We would get the ID card and the controversial Bill of Rights, and there would be no stopping a Government with control of both Houses from changing dramatically the face of Australia. A Party like the Australian Labor Party, with its strict discipline of its members, could do just that. Australians could then be living under an elected dictatorship.

Professor Rufus Davis has this to say about the first question:

> With the first proposal, the Government has told the people that all it seeks is to reduce the number of elections and thereby stabilise parliamentary office. But it has not told the people that the change from three to four years for both Houses of the Federal Parliament cannot do this because the Government will still hold, as it always has, the power to decide whether it will run its full term or when it will call an election.
>
> More significantly, it has not told the people that the stability it has in mind is nothing more than to disable the Senate from acting as a powerful check on over powerful Government.

We should contrast the proposition in the referendum questions with the provisions in the South Australian Constitution Act. We do have a four year term in South Australia. Generally speaking, a Government is required to serve a minimum of three years, although that can be overcome if one looks carefully at the provisions in our Constitution Act. So, a Premier can go to an election, generally speaking, between three and four years after the previous election and provided that one-half of the Legislative Council has served a minimum of five-and-a-half years, half the Legislative Council can be taken out as well. That provides safeguards against abuse by a Premier calling an election on an emotional subject at the most politically propitious time. One has no such protections in the propositions contained in the first referendum question.

The second question is: do you approve of an Act to alter the Constitution to provide for fair and democratic elections throughout Australia? Who can argue that they do not want fair and democratic elections? So, the way this question is drafted is designed to cover up the objective and put pressure on people to say 'Yes'. There is in fact an implicit dare in the question. The Commonwealth Government is saying, 'We dare you to vote "No" '.

Mr Wells, in the paper to which I have already referred, says in relation to this question:

At the heart of this alteration lies chapter VIA, headed 'Fair Elections'. The chapter heading does indeed proclaim fair elections, but nowhere does the alteration define the word 'fair' or give it any serious work to do. The expression 'fair distribution', which according to section 124a means 'a determination of electoral divisions in accordance with section 124a', is not a true definition. It simply provides a shorthand method of referring comprehensively to section 124b. Accordingly, the chapter heading is no more than a formal label under which a number of procedures, directions and calculations relating to elections for choosing members of the House of Representatives, of a House of State Parliament and of the Legislature of a Territory are conveniently marshalled.

In other words, what the alteration provides for in chapter VIA, as interpreted by the High Court, is what the Constitution deems to be fair elections. The chapter heading cannot be used to affect the meaning and operation of the text of the chapter, which does not thereafter use the expression. The situation would not have been different if the heading had read simply 'Elections'.

If at any time in the future elements within the nation are used to introduce fair elections upon a different footing, it will be for those supporting the change to amend not Federal law but the Constitution by another referendum. In short, chapter VIA does not in effect decree, for example, that all elections shall be fair and that it is the duty of the Federal, State and Territory Legislatures to prescribe the procedures, directions and calculations by which fairness is guaranteed for the electors, but rather there shall be what are here labelled fair elections—and this subject ultimately to how the High Court interprets these provisions is how fair elections shall be deemed to have been achieved. No other form of election is permissible.

That is a particularly careful analysis of the provision which I do not believe anyone can fault. But that is not the end of it. The amendment, if carried, would override our State Constitution Act which provides for a redistribution to commence within three months after a polling day if five years or more has intervened between a polling day on which the last electoral redistribution made by the State Electoral District Boundaries Commission was effective and that polling day.

Under this provision, a redistribution occurred for the 1985 election. The next redistribution will not be made until after the 1989-90 election—that is, for the 1994 election. A redistribution in South Australia is required to be made having regard to certain criteria with a 10 per cent tolerance in numbers either way of the average number of electors. On that basis, the criteria set out in the Constitution Act are as follows:

(a) The desirability of making the electoral redistribution in such a manner that there will exist, as far as is reasonably possible among the electoral population of each electoral district, a community of interest, of economic, social, regional or other kind;

(b) the population of each proposed electoral district;

(c) the desirability of leaving undisturbed, as far as practicable, and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral districts;

(d) the topography of areas within which new electoral boundaries will be drawn;

(e) the feasibility of communication between electors affected by the redistribution and their parliamentary representatives in the House of Assembly;

(f) the nature of substantial demographic changes that the commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the time when proceedings are likely to be next taken for the purpose of making an electoral redistribution, and may have regard to any other matters that it thinks relevant.

Even taking into consideration those criteria, the Liberal Party is of the view that it is disadvantaged because, under redistributions so far, the Liberal Party has had to achieve a two-Party preferred vote of more than 50 per cent plus one to have an even chance of winning. The two Party preferred vote which we have had to gain at various elections since 1975 is as follows: in 1975 it was 55 per cent; in 1977 it was 55.3 per cent; in 1979 it was 54.8 per cent; in 1982 it was 51.9 per cent; and in 1985 it was 51.1 per cent.

No-one can say that having to achieve that two-Party preferred vote represents a fair redistribution. However, the referendum proposal refers only to the numbers of electors and sets no other criteria for determining fairness.

Reliance on numbers can give a real gerrymander where the majority Parties draw grotesque boundaries to give electorates where they win with a minority of votes. For example, the United States has many illustrations of that. In the 1982 election in Indiana the boundaries had been so drawn on the one vote one value rule that the Democrats won 52 per cent of the vote and only 43 per cent of the seats. In California in 1984 the Democrats were elected to 27 of California's seats, that is, 60 per cent of the seats in Congress, even though Republican congressional candidates received more votes than the Democratic candidates—49.4 per cent Republican to 48.3 per cent Democrats. There are many other instances in the United States where State Legislatures have drawn boundaries which are grotesque and which have sought to bottle up particular electorates in order to gain some advantage or to create, for the other Party, some disadvantage. The United States is the home of the gerrymander, and question two could have the same effect here. There are no criteria other than numbers of electors.

It should also be noted that with the growth in some electorates and with the diminishing numbers in others, and with four year terms, it is most likely that there will be a redistribution in South Australia after every election. What a cost to the community! What a disruption to the electors! I would be most interested to hear the Attorney-General's view on this question. Surely he cannot support this ill-considered electoral proposal for constitutional change. It would have the effect of turning on its head the provisions in South Australia's Constitution Act relating to electoral redistributions and would give a much greater prospect of gerrymander than the existing provisions.

The third question is a sensitive one in South Australia, remembering that the Tonkin Liberal Government incorporated local government in our State Constitution. Local government is the creation of State law and is administered in accordance with that law. It is an important part of the governmental and administrative structures governing South Australians. The question is: do you approve of an Act to alter the Constitution to recognise local government? On this, Professor Davis, in the paper to which I referred earlier, states:

With the third proposal, the Government has told the people that it seeks to lift the standing of local governments by inscribing their name, and the guarantee of their election, into the Constitution.

It has not told the people that its offer of status and prestige is an illusion, because recognition leaves local governments in exactly the same and possibly a worse position as at present: subordinate administration agencies, and that recognition will give no protection against the merger of local governments or against the reduction of their number, their size, their area, their functions. Nor will it prevent the creation of entirely new and novel modes of 'local' government.

The difficulty which many local government representatives have not realised is that the inclusion of the recognition in the Australian Constitution will guarantee nothing and may prejudice local government as we know it. So far as the wider community is concerned, there is the prospect of a reduction in the status and functions of State Governments and a development of more powerful regional governments under a Federal Government, such as the Whitlam Government of 1972-75, intent upon that course. For example, a Federal Government may pass a law to establish regions

and to provide funds to administer those regions. A High Court which on balance has more judges of centralist inclination than federalist inclination, if asked to determine the Federal Government's basis for that legislation, will have this constitutional recognition on which to base its determination that the Federal Government is acting within power and that the establishment of regions and the provision of funding are valid.

Such regions will be accountable to the Federal Government, not to the electors at large, and there will be no constitutional requirement for fair and democratic elections in relation to them or any other protections that they will be treated fairly and equitably. Also, there is no guarantee that this would not be at the expense of real local government as we know it today. Mr Wells in his paper states:

> Certain States at present have the power (which they deem salutory), where a council seriously misbehaves in office, to dismiss the council and to appoint a designated official as temporary administrator or commissioner till affairs have been put right. One may ask, 'Is this power to be invalidated because councils must be "elected"?'
>
> If a local government body claims that its powers are not sufficient or apt to enable it properly to 'administer' its area, will it be able, by taking appropriate proceedings to challenge the State in the High Court, to have the State condemned, by declaratory decree, for its failure? Could a local government body, in like manner, successfully claim in the High Court that the State has not given it adequate revenue gathering powers to enable it to maintain 'continuance' of the 'system' in its area? If these and similar questions arising from section 119A were made the subjects of ultimate challenges of the State in the High Court, would that court not find itself obliged, in spheres of political theory and practice, to make its own decisions of value, fact and degree?

They are important questions which the Federal Government has not answered. I am disappointed that some local government representatives are supporting this question believing, as it is their right to believe, that it will do something positive for local government. In my view it will not, and that is a view I have expressed at constitutional conventions in the past.

In my view it will be detrimental to local government. I note that a number of local government bodies are not supporting the levy of 3c per ratepayer for the campaign in support of this question. Murray Bridge is one and Burnside is another, and there are others. I commend them for their stand. As a ratepayer, and speaking personally, I object to some part of my rates being used for a political purpose by a council which is charged with specific responsibilities under the Local Government Act.

The fourth question is the epitome of window dressing. Every self-respecting Australian would agree with trial by jury, freedom of religion and just compensation, but the motive behind this and the hidden traps need to be examined. The question is:

> Do you approve of an Act to alter the Constitution to extend the right to trial by jury, to extend freedom of religion and to ensure fair terms for persons whose property is acquired by any Government?

That is three questions, not one, but the elector cannot vote 'Yes' for one and 'No' for others. There must be a 'Yes' or a 'No' vote in respect of the whole three.

The most controversial aspect of this is undoubtedly with the freedom of religion provision. It has created a concern amongst the Catholic Bishops of Australia such that they recommend a 'No' vote. They are content with the existing protections in Australia. Obviously, if this question is passed, there will be a rerun of the State aid for church schools case and that will put all church schools—Catholic, Anglican, and other denominational schools—under pressure, and there will be potentially a great threat to their capacity to provide an alternative system of education and a choice for parents in the education of their children.

Other denominations of the Christian church are equally concerned about the implications of this question. It is all very well for Mr Bowen to send a letter to all independent schools in Australia to say there is no concern. The fact is that he cannot guarantee that and the fact is that, whenever there is a change to the law, to the Constitution of Australia, it opens up greater avenues for challenge in the High Court of Australia and it opens up greater prospects for lawyers to become involved in seeking to define what is meant.

It is correct that the provision of freedoms, specifically in legislation, only acts to delimit them, not to expand them nor to protect them and it is very much the case here that with the changes which are being proposed by the Federal Government in this question, it opens up the way for yet more challenges to what States, the Commonwealth and the Territories are doing with taxpayer's money.

The Hon. R.J. Ritson: That will be out of Mr Bowen's hands, won't, it?

The Hon. K.T. GRIFFIN: Mr Bowen has no control over what goes to the High Court and what does not.

There will be yet another danger and that is to all State and Federal Government aid to all of the welfare agencies of the churches. There are hundreds of those agencies, possibly thousands of them across Australia, which perform welfare and community services funded by Governments. They do it better, more efficiently, and more compassionately than the Government. One can imagine the chaos and the community disruption if Government aid were withdrawn or even challenged by those who are against welfare work being undertaken by religious groups.

What will happen to the Salvation Army's work? What will happen to the work of the Adelaide Central Mission, to the work of the Bowden and Brompton Mission, the Port Adelaide Mission, and a whole range of other missions, and community welfare work undertaken by every branch of the Christian church? There would be great concern about the prospect of this work being subject to challenge, as I believe it could be if question 4 is approved.

Mr David Russell QC referred yesterday to this very problem in an article in the *Australian,* and I take the opportunity to quote some parts of that article:

> Few provisions of the United States Constitution have brought greater disrepute upon the law in general and the US Supreme Court in particular than the first amendment. Under this amendment, school prayers and public displays of nativity scenes have been held illegal, the presence of crosses and the Star of David in a war memorial prohibited; at the same time, the free flow of pornographic materials has been held to be constitutionally protected.
>
> If carried, the proposed amendment to section 116 of the Constitution, which forms part of the fourth referendum question, may well import a large part of this disreputable jurisprudence into Australia. It is a change that all Australians, particularly those who have strong religious views, could well do without.

He goes on to say:

> The fact is that section 116 is a denial of legislative power to the Commonwealth, and no more. No similar constraint is imposed upon the legislatures of the States. The provision therefor cannot answer the description of a law that guarantees within Australia the separation of Church and State. Observations to like effect were made by Justice Gibbs (with whom Justice Aickin agreed) and Justice Stephen.
>
> The proposed provision will impose an identical constraint upon the States and Territories as is imposed upon the Commonwealth. Its adoption will come about as a result of the enactment of a Bill with the title Constitution Alteration (Rights and Freedom).
>
> It is, therefore, not only possible but probable that the new section 116 of the Constitution will be interpreted as a personal guarantee of religious freedom.

He goes on to refer not only to the United States but also to Canada, and members will recall that earlier this decade the Canadian Constitution was repatriated in the sense that

residual Constitutional links between Canada and the United Kingdom were severed, and included in the Canadian Constitution was a form of Bill of Rights. This has provided an extensive range of litigation opportunities for citizens of Canada, but more particularly for lawyers, in seeking to determine what is and what is not within that Canadian Bill of Rights. Mr Russell QC says:

It is not only in the US that such guarantees have been found to have surprising consequences. The Canadian guarantee of 'freedom of conscience and religion' has been held to render unconstitutional the Lord's Day Act of the province of Alberta, which prohibited the opening of retail stores on Sunday.

He goes on to talk about other areas which have been impeached under the Canadian Constitution, and says:

These cases are just the tip of an enormous iceberg. A very great amount of time and effort has been expected in devising legal technicalities designed to permit community adherence to main-stream Christian values to be given expression by such means as school prayers, Christmas displays and the like.

Moreover, by holding pro-Christian activity lawful only where it explicitly serves secular goals, the law is not religiously neutral but anti-religious because the separation of the social benefits arising from the community's religious adherence from the adherence itself downgrades the significance of our essentially Christian heritage.

In fact, the guarantee has proved of little value in the US in protecting religious values. Roman Catholic institutions, for example, have been required to fund abortion services and gay activist groups, norwithstanding the Church's opposition to homosexuality and abortion.

Certainly, most Australians would be appalled at the prospect that many of the Canadian and US court decisions could apply here. The blank cheque that will be presented to us for signature on 3 September would therefore be better left unsigned.

So there are ramifications that go beyond what appears on the surface of this amendment. Professor Davis, again, is critical of the proposal, as follows:

With the fourth proposal the Government has told the people that it seeks only to protect their basic 'rights and freedoms' by extending the protection of the Constitution over unjust State laws.

It has not told the people: That it has chosen only three of the 21 'rights and freedoms' recommended by the Rights Committee of the Constitutional Commission.

That the three 'rights and freedoms' it chose are effectively enjoyed by citizens under the ordinary laws of the States.

That the ultimate rock on which 'rights and freedoms' in Australia rest is the common sense of fair play among the overwhelming bulk of Australian people. Without this, every guarantee is of little or no worth; with this, and because of this, Australia stands among the first 10 free nations in the world of 140 States.

The other major aspect of question 4 relates to trial by jury. I have already raised a question on this with the Attorney-General during Question Time in this session of State Parliament. It is quite obvious from the answers that he has given, relating to the 1987 report of the Supreme Court of South Australia and the Chief Justice in particular, that there is a level of uncertainty about the scope of what is proposed in this question. It is not clear what is a jury. Is it three persons or is it 12? Is it majority decision or is it unanimous decision?

The Hon. R.J. Ritson: What about tortious actions?

The Hon. K.T. GRIFFIN: It talks only of trial by jury, essentially in relation to criminal matters, because it sets as a criterion where a person is liable to be imprisoned for two years or more. Mr Andrew Wells makes some interesting comments on this. I ask members to remember that he is a former judge of the Supreme Court of South Australia, and that he has had a tremendous amount of experience as a Crown Solicitor and as Solicitor-General for South Australia. He says:

First, section 80 insists on trial by jury where the accused is liable to imprisonment for more than two years or any form of corporal punishment. Corporal punishment appears to be on its way out. That leaves imprisonment; the right conferred by section 80 rests upon liability of the accused to suffer imprisonment (for two years) if convicted. The movement is not, as yet, complete, but Australians, generally, seem to be working towards the position where imprisonment is more and more to be limited as a sentencing power. It may be that by the year 2000, it will have been removed from the Statute Book for all except very serious crimes. Available terms of imprisonment could by then start at something like, say, seven years. Were that to occur, what would become of the right to trial by jury? Stigma of conviction, and anxiety to avoid other forms of punishment could well prompt a considerable percentage of accused persons not facing that threat of imprisonment at all to want trial by jury.

If the State substantially limited the right to trial by jury of accused persons not threatened with imprisonment on conviction, would not section 80 have been, in spirit, emasculated? Furthermore, would not the scope of law reform in the sphere of sentencing be curtailed by this alteration?

Secondly, though subsection (5) preserves some powers of a State to determine its own practices and procedures for jury trials, such trials possess many more features than those specified in subsection (5), and each State maintains, deeply entrenched, its own forms of jury trials, which State communities have come to accept. If particular forms of trial by jury, maintained by a State, were brought to an ultimate challenge in the High Court, by what precepts and principles, beyond the scope of subsection (5), would that court formulate a structure of jury trial in order to comply with the court's interpretation of section 80? Would those precepts and principles necessarily accord with precepts and principles developed in that State's own legislation through its own community's democratic process?

What Mr Wells is really identifying is this: that the passing of this proposal on 3 September would mean that, ultimately, it would be the High Court which would make decisions about what is or is not trial by jury. The High Court would impose its own majority view on the States and on the citizens of the States. It takes no cognisance of what might be reasonable within a particular State and what the strongly held view of a particular State might be.

These questions—not just question 4—are all directed towards developing more and more uniformity within the Australian community and ignoring those differences which may be traditional between the States and the people of the States and which they prefer. Things that go on in Sydney, issues that arise in Sydney and laws which Sydney people might support would not be supported by South Australians. South Australians have a different attitude on a whole range of issues and it seems to me to be quite absurd to put the High Court in the position of being able to say, 'Because the majority of us (the judges of the High Court) come from the bigger States, the more populous States, and we have particular points of view which are relevant to the larger States, we believe that you in South Australia should conform, and we will therefore rule that you must conform in a particular way.' I cannot accept that any South Australian would regard that as reasonable and that it is in the interests of the development of the Australian community.

The provisions of the four questions are highly dangerous. Questions 2, 3 and 4 will require interpretation by the High Court. It will have to determine what is freedom of religion, what is trial by jury, what is just compensation, what are fair and democratic elections, and what is the limit of constitutional recognition of local government. At the same time, the Federal Parliament will no longer be subject to the checks and balances incorporated into the Australian Constitution, which are presently there, to ensure that the possibility of an elected dictatorship bearing down on the Australian community and ignoring the minorities is resisted as much as possible.

I close by drawing attention to one final comment by Mr Wells. It is an important question that must be recognised, and not sufficient has been made of it yet. He says:

It seems to me that an elector, when he comes to vote on the referendum questions, before he decides finally on the political merits or demerits of the 'Yes' and 'No' cases (as to which I have purposely said nothing) should first ask himself, in relation to each proposed alteration, this question: if this alteration were to

be approved, and, if later its meaning were to be disputed, would I want the High Court to determine the content and compass of that meaning, to the extent that it must do so, by relying on political judgments and values; or would I rather the same question in substance were resolved through the democratic process, within my State's own community, whose end product may be an appropriate State Act of Parliament?

The High Court was, by our forefathers, put there to do one particular job; should it now be asked to do another one? In short, am I looking for rule according to law (as the product of the democratic process within my State community) or rule according to lawyers?

That is an appropriate point on which I should conclude my remarks. These are important questions. They have a hidden agenda. They involve the prospect of considerable litigation, with the High Court becoming the social conscience of Australia and the lawyers of Australia making the final decision as to what ought to be the social conscience and social decision of our community. I cannot accept that that is the proper way to go, and I reject completely the arguments of the Hon. Carolyn Pickles in putting up this motion.

I do not believe that they are reasonable propositions which should be supported. There are many much more important issues, such as limiting the powers of the Commonwealth, that should have been presented to the people in the bicentennial year to show them that the Federal Government really cares about Federation, maintaining control over abuses of power by Executive Government and ensuring that there is an appropriately balanced community within which we and our successors will be able to spend a reasonable, profitable and comfortable life. Therefore, I reject the propositions of the Hon. Carolyn Pickles and I urge a 'No' vote on all four questions.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

GRADUATE TAX

The Hon. R.I. LUCAS: I move:

That this Council—

1. expresses its opposition to the proposed graduate tax;
2. calls on the Federal Government to consider alternative ways of funding any required expansion of higher education; and
3. requests the President of the Legislative Council to convey this resolution to the Prime Minister.

I wish to say at the outset that, while I will be critical of various political Parties and politicians, the essence of the day in the end will, I hope, achieve agreement in this Council on the substantive question of the graduate tax as a mechanism for funding higher education in Australia. While I accept that all speakers will have a go at politicians and political Parties and we will not agree on that, I hope that the three political Parties will reach some agreement in opposition to the proposed graduate tax and its effect on the higher education system in Australia. In part, that has been the reason for my amending the motion.

Opposition to the concept of a graduate tax has been very broadly based in the community; it has certainly crossed Party political lines. Some members of all political Parties oppose, although some support, the notion of a graduate tax. I must begin by playing a game of pick the polly to indicate this point, and I will quote a prominent politician whose comments appeared in the Adelaide *News* of 18 July. It was stated:

> The tax on knowledge is a regressive move which restricts access to tertiary education. He predicts low-paid professions, such as teaching, nursing, social work and TAFE and vocational courses, would not attract students because of the deferred fee.
>
> Self-employed professionals such as doctors would be able to pass the tax cost to the community by increasing their fees, but PAYE taxpayers had no such option. 'Such a system will lead to skill shortages in the service and manufacturing industry,' Mr Roberts says. 'Given the $2 000 million budget surplus and the option of an education and training levy on industry, there is no justification for a tertiary tax.'

Those comments were made by the Hon. Terry Roberts, a member of this Council, but more importantly in terms of the number crunching in the State Labor Government, the new convenor of the Left wing faction of the Bannon Labor Government. Mr Roberts was speaking on behalf of the Left wing—

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: The Hon. Miss Wiese says that the Government is different from the Party. Perhaps newly elected Cabinet Ministers and those who just missed out on being newly elected Cabinet Ministers might not agree that the Party and the Government are different in terms of the operation of the factions.

The Hon. L.H. Davis: Was Mr Blevins speaking as a factional representative at the conference?

The PRESIDENT: Order!

The Hon. L.H. Davis: Or was he speaking as a Minister?

The PRESIDENT: I called for order, the Hon. Mr Davis.

The Hon. L.H. Davis: I was just responding to an interjection.

The PRESIDENT: All interjections are out of order and comments must be addressed through the Chair.

The Hon. R.I. LUCAS: I hope for and indeed look forward to support from Terry Roberts and other members of the Left, perhaps even members of the Centre Left, including our good friend the Hon. Terry Crothers, the number cruncher from the Centre Left faction, whether in the Party or the Government, to use the distinction that the Hon. Miss Wiese highlighted. I certainly look forward to support, and I hope that we will be able to come to some arrangement in opposition to the proposed graduate tax.

The contribution of the Bannon Government, its members and Ministers over the past three or four months on this issue has been a sorry story. One need only go back to 1 May, Labour Day or May Day, when Lynn Arnold on behalf of the Government and speaking to a group of students at a graduation ceremony indicated that the Bannon Government opposed tertiary fees and a graduate tax. He said that he and the Government believed that a graduate tax was just a deferred tertiary fee arrangement. However, about 10 days later at the National Press Club, Lynn Arnold, much to his embarrassment, heard that Premier Bannon had gone on the public record in support of the Hawke Government's graduate tax proposal—on the very day that Lynn Arnold in Adelaide had addressed the howling masses on the steps of Parliament House indicating—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I will come to that—that the Bannon Cabinet had not made up its mind on the graduate tax. But Premier Bannon was indicating his support. Lynn Arnold was then told, in no uncertain terms by Premier Bannon, to keep quiet, not to further indicate his attitude or what he understood to be the attitude of the Bannon Government in relation to the graduate tax.

The Cabinet considered the graduate tax on at least three occasions during the period May to June. On each occasion it was unable to come to any agreement as to whether it would support or oppose the graduate tax. As we understand, people like John Bannon were supporting the graduate tax, and others like Lynn Arnold and Frank Blevins were opposing it. As a result, Premier Bannon could not get the numbers, and the best he could do was to have it rolled

over each time and say, 'We are seeking further reports from Lynn Arnold on the effects of the graduate tax.'

That was some four or five months ago, and we are still waiting for Lynn Arnold to present his graduate tax report to the State Cabinet so that it can put down its position in relation to that tax. We then saw the unseemly debate at the National Labor Party conference in Tasmania where the South Australian delegates did not know whether they were Arthur or Martha. We had delegates on all sides of the political fence when the graduate tax motion went up. Some were supporting the motion; there was Terry Cameron on one side; the State Labor Party Secretary was on one side; and there were other delegates, like Ms Dianne Gayler, supporting different aspects of that debate.

Of course, most recently we have had the debate at the recent State Labor Party conference. The simple summation of that debate is, I believe, that for the first time Premier Bannon was convincingly rolled on a significant issue at a State Labor Party conference by the Left and other groups. His chief foe was, of course, the chief guru of the Left faction in South Australia, one Frank Blevins. Frank Blevins had quite a number of interesting things to say not only about the graduate tax but also, of course, about the state of the Labor Party in South Australia and the leadership of John Bannon in recent years. I will quote some of Frank Blevins' words. Given that we have in this Chamber five of the 10 members of the Left faction, I am sure that those members of the Left faction would share the views of their senior Left Minister in the Cabinet about Premier Bannon and his Government. Frank Blevins stated:

> I sincerely believe we are getting into the position where we are scratching around to say we believe in anything. We do not believe in free education any more and a whole range of other things social democratic Parties around the world are quite happy to put on their banners and say, 'In this we believe.' We cannot say that anymore. I may be old-fashioned, but I still believe in a few of these things and, if you do not stick to a few of these kinds of issues, you will have nothing at all to write on your banners when we come to the next and subsequent elections other than, as far as I can see, 'Kerry Packer loves us,' or 'Alan Bond loves us.'

The Hon. T. Crothers: Rob Lucas doesn't love us.

The Hon. R.I. LUCAS: That is exactly right. The Hon. Trevor Crothers interjects, 'Rob Lucas doesn't love us,' and e is spot on! It is a very perceptive comment. Frank Blevins oes on to say:

> We cannot support ourselves as a decent social democratic Party on that kind of support.

I wonder whether the Hon. Trevor Crothers agrees with the senior Left Minister in the Bannon Cabinet about his description of that Government and Premier Bannon's actions not only on the graduate tax but also on a whole range of recent issues. Let *Hansard* record that silence was the response of the Hon. Trevor Crothers!

The Hon. T. Crothers: Prudence!

The Hon. R.I. LUCAS: Prudence and silence. Frank Blevins and the 106 votes to 81 with which the—

The Hon. M.S. Feleppa: How do you know?

The Hon. R.I. LUCAS: The Hon. Mario Feleppa does not deny that. He just wants to know how we know it. Well, it is well informed sources—

The PRESIDENT: The *Advertiser*.

The Hon. R.I. LUCAS: No, not the *Advertiser*, the *News*. Robbie Brechin would never tell a lie. He is a Scotsman from way back.

The Hon. T. Crothers: Does Rob Lucas always tell the truth?

The Hon. R.I. LUCAS: Yes, he tries, anyway. Ms President, there we had a situation where Frank Blevins and a significant proportion of the State Labor Party conference rolled Premier Bannon in relation to the graduate tax. Indeed, Premier Bannon was a much chastened Premier, very quiet, meek and mild when he was interviewed subsequently on the Sunday and Monday in the State press and media.

Very briefly, the Dawkins plan, which was most recently announced on 30 July, proposes that the fee to be charged will be at a rate of $1 800 per year of study and that graduates who subsequently earn between $22 000 and $25 000 will repay it at the rate of 1 per cent. The graduates who subsequently earn between $25 000 and $35 000 will repay it at 2 per cent. Graduates earning a salary at a rate of $35 000 or more will repay it at the rate of 3 per cent.

Mr Dawkins also mentioned some vague notion of an industry contribution and favours those who are wealthy enough who will be able to pay upfront their total fees and get a 15 per cent discount. He knows that the Hawke Government looks after their wealthy friends and the sons and daughters of the Kerry Packers and Alan Bonds of this world. However, the sons and daughters of the working classes, whom I would hope the Hon. Trevor Crothers and the Hon. Frank Blevins and others would be working to represent in this Chamber and another, would of course not be able to put upfront significant sums like that and earn a significant discount of some 15 per cent on the graduate tax.

Of course, we need to note very quickly the Hon. John Dawkins' present plan and compare that to the statements he made in 1981 and 1982 when he was the shadow Minister of Education. He thought he was on a good issue then and stated:

> Fees were educationally unsound and economic idiocy.

That is Mr John Dawkins, the author of the Dawkins plan and the chief number cruncher for the graduate tax, saying as recently as 1981 and 1982 that fees were educationally unsound and economic idiocy.

To be fair, many people in the community are attracted to the idea of tertiary fees but, perhaps more particularly, to the notion of graduate taxes. I believe those who take up the cudgels for the graduate tax in the wider community must answer the questions that, if we are to tax tertiary or higher education, then why are not all studies undertaken in TAFE institutions taxed also? In particular, when we look at the graduates of TAFE study, many of them are in trades and will end up earning much more than graduates of some faculties in higher education. In fact, if we are to look at taxing higher education and perhaps TAFE as they might argue, why indeed do they not argue that we ought to tax all post-compulsory education, all education that we provide for students older than the 15 years compulsory education age?

All the arguments that the Dawkins, the Walshes and the Bannons of this world can proffer for a graduate tax on higher education study can equally be made for a graduate tax or taxing study in TAFE colleges and at the post-compulsory end of our secondary schools, in particular years 11 and 12. Our laws only require us to provide education up until the age of 15 and, after that age, the Bannons of this world can well argue that, if we provide further education at years 11 and 12 or TAFE or higher education, the individual will benefit in the long term by increasing the salary that the individual can earn through the rest of their working life. Therefore, on the user pays basis, they should then repay at least in part the cost of the State and Federal Governments in offering post-compulsory education to people in our community.

In my view, the simple answer to the Bannons, the Dawkins and the Walshes of this world is that we as a community believe that there is a community benefit, as well as an

individual benefit, in the provision of higher and further education beyond the age of compulsion to as many students in our community as we can afford to offer it. It is accepted that we should offer beyond the age of 15, year 11 and year 12 education, to as many students as we can, and we have policies to increase the retention rate in our schools up until year 12. Many of those policies have been quite successful over recent years in increasing the retention rate from about 30 per cent up to, in South Australia at least, 62 per cent.

The Hon. M.J. Elliott: That is the unemployment policy.

The Hon. R.I. LUCAS: In part, it is, but there have been other policies, to be fair. I think the Hon. Mr Elliott is being a little too political in this debate.

The Hon. M.J. Elliott: They can't get a job; that's why they are at school.

The Hon. R.I. LUCAS: I agree; in part, that is the case. But to be fair, you have to say that Governments, both State and Federal, have done a number of things to increase the retention rates. The Hon. Mr Elliott talks about the removal of the unemployment benefit for 16 and 17 year olds, and in the past two years that has had an effect, but the Hon. Mr Elliott should well know that prior to that decision the retention rates had been increasing through the provision—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: No, it was not just that. The Hon. Mr Elliott is becoming far too cynical in his short time in this place. Unemployment did have some effect, but the provision of senior secondary allowances for parents of poorer income and means, which is now translated into Austudy at the senior secondary level, has assisted—

The Hon. M.J. Elliott: They increased the age at which people can get it in South Australia by a year, also.

The Hon. R.I. LUCAS: They did not increase the age; they made some changes which made it more difficult in South Australia but they did not increase the age. It is just that we have younger students in year 11 than do the other States. Government policies have sought to increase the retention rate. I do not think we can be totally cynical about all this, as the Hon. Mr Elliott has indicated, and say it is solely due to unemployment and the changes in the unemployment benefit. I agree that that has been a significant factor but it is not the sole factor. The Hon. Mr Elliott deflects me from my argument with his out of order interjections.

There is a community good that we accept in providing year 11 and year 12 education when the law says technically that we do not have to. We provide TAFE education at virtually a very small cost to TAFE students because we believe there is not only an individual benefit but there is a community benefit to be gained in educating as many of our students as we can. Those who argue that we can gain some benefit from a graduate tax for higher education students must address the inequities in their argument when they do not apply the same arguments towards TAFE students and the post-compulsory students in our secondary schools. Perhaps the Bannons of this world in particular will extend their argument and, having supported the graduate tax for higher education, Premier Bannon may soon offer the same argument for some sort of graduate tax for TAFE students and perhaps even some sort of user pays cost on the post-compulsory students at years 11 and 12 in our secondary schools.

I now turn to some of the facts in relation to what has occurred since the Whitlam Government, in 1974, abolished fees—one of the few decisions of the Whitlam Government that I happily agreed with. Recently we have seen some naive statements from Federal politicians, such as Hawke and Dawkins, and also from State politicians like Premier John Bannon, as to what has occurred since the abolition of fees in 1974. Indeed, on the weekend, Premier Bannon, as he was being rolled by his own State Labor Party conference, said that the mix of students in higher education had not changed since the abolition of fees in 1974.

Hopefully, other speakers in this debate will and should address the questions of equity in access to higher education as, in my view, prior to 1974, access to higher education was restricted, in the main, to a very small group in our society. Since 1973 we have seen a significant increase in the number of women studying in higher education. The figures I will quote come from a document from the Federation of Australian University Staff Associations and the Federated Council of Academics. It is dated June 1988 and called 'Thinking Ahead'. In 1973, 37 per cent of the students in higher education were women and in 1987, for the first time, that number was over 50 per cent. When one looks at mature aged women the changes have been even more remarkable. In fact, women over 30 years have more than doubled their higher education participation rate between 1975 and 1985.

It is fair to say that women are still concentrated in a narrow range of courses and still enter post-graduate study in only half the numbers of those of male students. However, there has been improvement in those areas as well. A 10 per cent to 15 per cent increase in female participation has occurred since 1975 in courses such as applied sciences, dentistry, law, economics and business studies. That is not big enough, but it is certainly a positive start, and something positive that has occurred since the abolition of fees. There have also been smaller increases in the number of female participants in the areas of medicine, engineering and architecture.

Again I will quote from the Federation of Australian University Staff Associations' document in relation to access of students from a group that it defines as 'Fathers of Full Time Students: Selected Occupational Groups Between 1974 and 1984', and it looks at the two classifications, trades and professional. Ms President, because of your ruling that is based on *Hansard* requirements, what is in effect a very telling graph on this matter is not able to be incorporated in *Hansard*, so I will have to try to describe this graph for the benefit of members and readers of *Hansard*.

This graph shows that the percentage participation of students of whose fathers had a trades background was, in 1974, around about 17 per cent to 17.5 per cent and that has increased in that decade to about 25 per cent or 26 per cent. If one correspondingly looks at the same graph in relation to professionals one sees that there has been a decrease in that period from 30 per cent in 1974 back to what looks like marginally above 25 per cent. So, there has been a change away from students whose fathers have a professional background towards students whose fathers have a trades background.

Therefore, one needs to ask why the Senator Walshes and the Hon. John Bannons of this world have been successful in being able to convince the Government, some sections of the community, and business that the abolition of fees has not increased the access of disadvantaged groups into higher education. In addressing that I want to look at some work that one of the foremost experts in this area, Don Anderson from the ANU, has done on this matter (and again I will not be able to incorporate into *Hansard* a very telling graph on this matter).

Don Anderson, in explaining that he felt that Senator Peter Walsh and others were incorrect, pointed out that, in

the work he had done from 1974 to 1979, the lowest third of the social order had gained ground in relation to the upper third, and that the reintroduction of fees would lead to an even less equal social mix than exists at present. He also cited evidence from the United States of America which showed a social regression in participation due to sharp rises in tuition fees. He also pointed out that during the 1970s tens of thousands of lucrative education studentships were phased out. These students were generally from families with no previous association with higher education.

Anderson argues that the abolition of fees countered a social regression in participation which would certainly have occurred as the studentships were phased out. That is a very important point. What Anderson is saying is that you just cannot compare the number of students from disadvantaged groups or the lower socio-economic groups in 1974 and 1987 and say that that is the be all and end all of the argument. What he is saying is that, through that period of the 1970s, a form of assistance—education scholarships or studentships—to students from the more disadvantaged sections of the community was removed and that that would have had an even greater effect on access of students from the lower socio-economic groups to higher education. He also says that it was only through the abolition of fees at roughly the same time that students in the lower socio-economic groups were able to maintain some degree of access to higher education.

Of course, we need to look at the effects of the Federal Government's administrative charge of originally $250. While all the results are certainly not in yet or are conclusive, the early evidence indicates that there has been a decline as of 1987 and 1988 in access of women, the working classes and students from non-English speaking backgrounds into higher education as a result of the introduction of the administration charge of only $250 as it was then (and it is now a little higher).

The Flinders University has noted that there has been a reduction of some 10 per cent in access by students from disadvantaged groups since the introduction of the administration charge. The effects of the graduate tax, which is obviously at a level much greater than the administration charge of $250, will in my view, and in the view I hope of this Chamber, be even more significant on the sons and daughters of the working classes and the poor and, indeed, the middle classes in South Australia with respect to access to higher education. This applies not only to the poor and the working classes but also to access for women and for students from a non-English speaking background to higher education.

I will mention very quickly some of the dozens of arguments that have been used against the notion of a graduate tax, in addition to some of the arguments that I have used already. There is the argument that it will be, in the view of many, an administrative nightmare to try to administer this concept of a graduate tax, particularly with the now differing levels of the graduate tax from 1 per cent to 3 per cent, depending on the level of earning capacity. One can be going up and down over a particular level or one can be a seasonal worker: there are a whole range of questions like that which will need to be addressed. We have not yet seen details from the Hawke Government as to how the practical implications of the graduate tax will be administered.

The point that the Hon. Terry Roberts raised earlier was a valid one: some professionals such as doctors and lawyers like my good friend the Hon. Trevor Griffin, and so on, will be able at least in part to pass on the costs of the graduate tax through an increase in their charges. However, PAYE income earners will not have that possibility available to them in relation to the cost of the graduate tax.

I have referred to the question of access to higher education being more difficult for disadvantaged groups. I think we need particularly to look at the middle class groups which might be earning just above the magic cut-off point of $22 000 and the difficulty that those groups will have paying the graduate tax. We must note that the present costs of higher education, contrary to the views of many, are already quite considerable.

A recent article by Geoff Maslen in the *Age*, which was reprinted in the *Advertiser*, stated:

> For a student setting up house for the first time and having to outlay bond money, buy furniture and pay for such things as telephone connection fees, financial aid officers estimate the total cost of a year of study at $10 890 in 1988.

You could argue, give or take a few thousands here or there, whether all those costs will apply to everybody, but certainly the costs for supposedly 'free' tertiary education at the moment are quite significant. In addition to that, students forgo income for a period of some three, up to six years, because they do undertake community study. I can see that there is some individual benefit but, as I argued earlier, a community benefit comes from ensuring that we have an increasing number of graduates in Australia and South Australia.

We have the question of the repayments coming at the worst possible time, particularly for young married couples, when they are struggling with young families and mortgages, and trying to purchase and outfit a new house. This is a major problem for young married couples when trying to pay the graduate tax. For teachers and other professionals, the question of professional development will be a major problem. We are trying to encourage more and more of our teachers to undertake professional development. Many of them undertake further studies at their own personal cost, and this will not lead to any increased remuneration, in the short term at least, to them but will be of benefit to their students and to their schools in their being able to offer better teaching in a wider range of areas to the students of their schools. Of course, under the progressive taxation system, we have already taxed those students who are successful in earning higher salaries at a much higher rate than those who have not been so successful. We have the problem of those students who incur the same costs as every other student and who then do not go on to earn any salary at all—perhaps they go on the dole for the rest of their lives. Those students will not be required to repay, in any form at all, the costs of their tertiary education, and we can see the inequities of that.

So, Ms President, I indicate that I hope that we can consider opposing the graduate tax in this Chamber. There are alternative means of funding the expansion of higher education; there should be a greater priority for higher education from Governments, both State and Federal. I note that the Victorian State Government is funding higher education places, and indeed perhaps the State Labor Government might consider something like that within the confines of its budget. The Federal Liberal Party remains opposed to a graduate tax and guarantees the provision of free education for our existing tertiary education students. The expansion can be funded through the charging of fees by individual institutions. That is another option.

There are a number of options that the community and Government could examine, without being wedded to any one, in order to fund the expansion that we require in higher education. Indeed, the amalgamation and rationalisation of higher education institutions that are occurring at the moment may well provide some financial flexibility

to fund an increasing number of higher education places. With that, I urge members to support the motion.

The Hon. CAROLYN PICKLES: From the outset, I wish to indicate to honourable members that I will be moving an amendment to this motion. First, I would like to indicate that I oppose the graduate tax. I believe that it is important to recognise that education is not just the means by which individuals gain access to a higher income but more importantly it should be viewed as a common good. All of society benefits from an educated, well-trained workforce; indeed it is an essential facet of any successful modern economy. Education is an investment in our future, and as such we share a common responsibility for ensuring that everyone, regardless of background, has equal access to its benefits.

It is in our interests that participation in higher education is increased, especially among those from disadvantaged backgrounds. At a time when significant improvements are being made in participation rates at the secondary level of education, it is important that measures are not introduced which might act as disincentives to participation at the tertiary level. Proponents of the graduate tax have argued that since tertiary fees were abolished in 1974 there has not been a significant change in the composition of entrants into tertiary education. This is not the case.

According to research by Dr Don Anderson from the ANU (the Hon. Mr Lucas and I seem to be looking at the same researchers) which was cited in the Wran report, from 1974 to 1979 the proportion of students from a trades or manual background increased from 14 per cent to 19 per cent in universities and from 18 per cent to 26 per cent in colleges of advanced education. In the period until 1984, the ratio in the colleges had stabilised, but in the universities it had risen to 20 per cent. Such figures represent increases of around 50 per cent, which are by no means insignificant.

There has also been an increased proportion of students from ethnic backgrounds since 1974, and the number of female students has risen dramatically from 36 per cent to over 50 per cent in 1987. These increases have occurred at a time when participation rates might have been expected to decrease due to the effects of recession and the removal of teacher training allowances.

During this period, other factors have been operating which would also be likely to reduce access to tertiary institutions. These include reductions and the imposition of quotas on part-time and mature age students. I seek leave to incorporate in *Hansard* two tables that are statistical in nature.

Leave granted.

NUMBER OF ACCEPTED OFFERS TO TERTIARY EDUCATION BY SUBURBS AND POSTCODE (LOW SES AREAS) 1982-87

Suburb	Post Code	Offers Accepted					
		1982-83	%*	1984-85	%*	1986-87	%*
Bowden/Brompton Area							
Bowden/Brompton	5007	28	0.40	42	0.54	45	0.52
Ferryden Park	5010	12	0.17	11	0.14	15	0.17
Woodville Gardens	5012	35	0.50	33	0.42	43	0.49
TOTAL		75	1.08	86	1.10	103	1.18
Port Adelaide Area							
Rosewater	5013	34	0.49	44	0.57	44	0.51
Port Adelaide	5015	14	0.20	9	0.12	23	0.26
Taperoo	5017	16	0.23	22	0.28	21	0.24
TOTAL		64	0.92	75	0.96	88	1.01
Northern Suburbs							
Blair Athol	5084	27	0.39	41	0.53	38	0.44
Pooraka	5095	14	0.20	28	0.36	27	0.31
Ingle Farm	5098	26	0.37	43	0.55	47	0.54
TOTAL		67	0.97	112	1.44	112	1.29
Far North Suburbs							
Parafield	5107	18	0.26	34	0.44	30	0.34
Salisbury	5108	73	1.05	103	1.32	102	1.17
Waterloo Corner	5110	—	—	3	0.04	11	0.13
Elizabeth	5112	59	0.85	70	0.90	80	0.92
Elizabeth Downs	5113	60	0.86	63	0.81	69	0.79
Smithfield	5114	28	0.40	21	0.27	38	0.44
Angle Vale	5117	—	—	—	—	2	0.02
Virginia	5120	5	0.07	8	0.10	8	0.09
TOTAL		243	3.50	302	3.88	340	3.91
Southern Suburbs							
Morphett Vale	5162	63	0.91	77	0.99	98	1.13
Noarlunga Downs	5163	35	0.50	23	0.30	32	0.37
Christie Downs	5164	16	0.23	16	0.21	18	0.21
O'Sullivan Beach	5166	10	0.14	2	0.02	8	0.09
TOTAL		124	1.79	118	1.52	156	1.79
TOTAL ALL AREAS		573	8.26	693	8.91	799	9.18
TOTAL FOR SOUTH AUSTRALIA		6 940		7 777		8 703	25.4

* Percentage of total offers accepted for South Australia

NUMBER OF ACCEPTED OFFERS IN TERTIARY EDUCATION FROM PROVINCIAL CITIES AND NON-METROPOLITAN AREAS 1982-87
(Population >10 000)

City	Post Code	Offers Accepted					
		1982-83	%**	1984-85	%**	1986-87	%**
Mount Gambier	5290	49	0.71	57	0.73	75	0.86
Mount Gambier	5291	7	0.10	6	0.08	8	0.09
Port Pirie	5540	22	0.32	28	0.36	38	0.44
Port Lincoln	5606	27	0.39	32	0.41	50	0.57
Port Lincoln	5607	4	0.06	3	0.39	9	0.10
Whyalla Norrie	5608	47	0.68	53	0.68	84	0.97
Whyalla Jenkins	5609	—	—	1	0.01	3	0.03
Port Augusta	5700	22	0.32	36	0.46	45	0.52
Port Augusta	5710	3	0.04	6	0.08	1	0.01
TOTAL		181	2.61	222	2.85	313	3.60
Non-Metropolitan*	5715-5999	837	12.06	1 109	14.26	1 477	16.97
TOTAL FOR SOUTH AUSTRALIA		6 940		7 777		8 703	

* Includes Provincial cities
** Percentage of total offers accepted for South Australia

The Hon. CAROLYN PICKLES: These tables show the South Australian number of accepted offers to tertiary education by suburbs and postcodes and from provincial cities and non-metropolitan areas. The first table shows that there has been a total growth of accepted offers from 1982 to 1987 of 39.4 per cent in the metropolitan area and of 25.4 per cent in the whole of South Australia. There is considerable doubt that mere expansion of the system would improve the socio-economic mix. In the study by Linke *et al.* entitled 'Participation and Equity in Higher Education: a Preliminary Report on the Socioeconomic Profile of Higher Education Students in South Australia 1974-84' (Australian Bulletin of Labour Vol. II No. 3), he concludes:

Even if all the present applicants were to be admitted without further condition ... there would not be any dramatic change in the socioeconomic profile of students.

I seek leave to incorporate in *Hansard* a small, purely statistical table.

Leave granted.

Socioeconomic Status by Postcode Group		Qualified but Unsuccessful Application	
		Number	Cumulative %
Metropolitan:	Low 1	70	4.1
	2	95	9.7
	3	112	16.4
	4	119	23.4
	5	111	29.9
	6	144	38.4
	7	162	48.0
	8	166	57.8
	9	218	70.7
	High 10	248	85.3
Non Metropolitan		249	100.0
TOTAL		1 694	

The Hon. CAROLYN PICKLES: It is clear from this table that any supposition that qualified applicants not presently gaining places come from predominantly disadvantaged areas must be questioned. The data contained in this table represents those students who applied for admission to a higher education institution in 1988, on the basis of a year 12 score, whose score was 295 or greater but who did not receive any offer. Some of these would have applied for courses with cut-off scores too high and not had appropriate other preferences, that is, they could possibly be found a place if they were willing to consider other options.

The socioeconomic status is as defined by Linke *et al.* for metropolitan postcodes. Well in excess of half of all qualified applicants are in the top half of socioeconomic areas and more than a quarter are in the top two with less than 10 per cent in the bottom two. Clearly the elimination of unmet demand will not of itself improve the socioeconomic mix of higher education students. Other methods need to be found to achieve that goal. Such matters must relate to efforts in the primary and secondary sector to increase the level of aspiration and academic achievement in children in targeted areas.

Having said this it is still arguable that an expansion of the system to take up unmet demand does improve equity in a more general sense. In a democratic society, any system which denies access to a social good to some who are capable of benefiting from it and wish to do so has to be questionable.

One of the myths about tertiary education is that everyone who goes on to study at this level will automatically receive a very high income at the end of it. Whilst this may be true for some, it is certainly not the case for many graduates, a large proportion of whom become nurses, teachers and public servants who do not have particularly highly paid jobs. In fact, it has been estimated that only 10 per cent of graduates of the tertiary education system fit the category of high income earners.

The tertiary education system can no longer be seen as just universities. The system now encompasses the colleges of advanced education and TAFE, offering not only degree level but sub-degree level courses such as associate diplomas. It is in this sector that the highest representation of disadvantaged, working class people and women are to be found, covering a wide range of occupations from nurses and teachers to data process operators. I seek leave to incorporate in *Hansard* a table which is statistical in nature.

Leave granted.

GRADUATE SALARIES IN THE SOUTH AUSTRALIAN PUBLIC SECTOR

Professional Employees in the Public Service

The salaries shown are from the DPIR Classification Manual of 24 February 1988. Only salaries for 'base grade' professional positions are shown with the highest and lowest steps and some intermediate steps where the lowest step is less than $21 500.

Occupation/Group	Salary $	No. of Step
Architect	23 001	5
	30 381	
Agricultural Technical Officer (graduates start on $21 644)	20 877	7
	21 644	
	25 461	

Chiropodists	20 211 20 985 21 583 23 156	5
Graduate Officers (CR-2) (no new appointments to this grade)	21 179 23 041 26 209	5
Computer Systems Officer	26 674 29 511	5
Curators—Art Gallery	19 561 20 181 20 863 21 770 23 001	5
Dietitian (Bachelors degree holders paid a minimum of $21 770)	21 018 21 770 30 381	7
Dental Officers	29 991 39 815	7
Engineers	21 770 30 381	6
Forestry Officers	21 770 30 381	6
Geologists and Geophysicists	21 770 30 381	6
Legal Officers	25 854 30 104	4
Librarians	21 420 22 230 27 454	7
Medical Officers	20 666 22 379 29 232	6
Rangers and related officers	19 394 20 960	5
Ranger Grade II	21 610 22 133 22 654	3
Nurses	21 112 21 806 24 819	6
Pharmacists	21 770 30 381	6
Psychologists	21 851 30 283	7
Quantity Surveyors	21 770 30 381	7
Research Officers	23 042 31 544	8
Radiographers	20 211 20 985 22 061 23 156	4
Scientist	21 770 30 381	6
Sports Scientist	21 770 30 381	6
Surveyors	21 770 24 538	3
Veterinary Scientists	21 770 35 919	10
Social Workers	22 736 29 756	6
Physiotherapists and Occupational Therapists	21 770 30 381	6
Speech Pathologists	21 770 30 381	6
Interpreters and Translators	20 667 21 179 21 870 22 352	4
Valuers	22 558 30 888	10
Veterinary Officers	24 538 34 935	7

The Hon. CAROLYN PICKLES: I refer now to teachers salaries. Salaries that I will quote later in my speech are from the Teachers Salaries Board Award, including the recent 4 per cent increase. The award has not yet been ratified, so the rates are not yet official, but I understand that it is expected to be done in the next few days. The award is rather complicated but, as for this purpose we are interested only in new graduates, I have extracted the starting salaries of people with the relevant qualifications. People without qualifications can no longer be employed unless they are already teaching. The first incremental step is $18 076, which carries through to the 12th incremental step of $31 557 per annum. I seek leave to incorporate in *Hansard* a table showing the starting and finishing steps for people with various qualifications.

Leave granted.

Qualification	Minimum Step	Maximum Step
DipT or 3 year Degree	3	10
3 year degree and DipT	5	12
BEd (PhysEd) (Flinders)	5	12
Advanced DipT	5	12
BEd	5	12
DipT or 3 year degree and GradDipEd or GradDipT	5	12
Hons degree and teaching qualification	5	12
Non grad completing a degree	add 1 increment from next 1 Jan.	
Non grad completing hons or higher degree	add 2 increments from next 1 Jan.	
Graduate completing honours degree	add 1 increment from next 1 Jan.	

The Hon. CAROLYN PICKLES: Any newly employed teacher must be registered with the Teachers Registration Board and would have to hold at least a Diploma of Teaching. Persons who are at the barrier at step 10 would have some financial incentive to study even with fees, that is, all new primary teachers and some existing teachers with a degree but no teaching qualification. However, anyone holding a four year teaching qualification or a degree and a teaching qualification, that is, all new secondary teachers since they must be in one or the other of these categories to be employed, would have no financial incentive to study because, with time, they will all move to increment 12 in any case. We would, therefore, end up with a system where, on the whole, there was incentive for primary school teachers to upgrade their qualifications but not for secondary teachers.

I refer now to nurses employed by the Health Commission. Using the Nursing Staff (Government General Hospitals, etc.) Award, and including the 4 per cent pay increase, the rates of pay for nurses are as follows:

Registered Nurse	
Level 1	20 867 21 688 25 051 in 6 increments
Level 2—	
Grade 1	27 064
Grade 2	27 875 28 686
Level 3—(Nurse Educator Clinical Nurse Consultant)	
Grade 1	30 309 31 000
Grade 2	31 877 32 000

To reach Level 2 requires post-registration qualification of at least 6 months FTE (Grade 2) or an undertaking to obtain such a qualification (Grade 1). To reach Level 3 requires a degree or higher (Grade 2) or an undertaking to obtain such a qualification (Grade 1). There is also a rather complicated system of allowances for extra qualifications but the amounts paid are small by comparison with the differences between Level 1 and Level 3. Payment at a higher level is only made to people performing duties at the higher level (that is, it is not made automatically on completing, say, a degree, as it is for teaching) but completion of a degree opens access to

promotional positions at an increase in salary of $32 688 from $25 051, which is $7 637. I do not know how common these positions are.

Only 5 per cent of first year students are in elite discipline areas such as medicine, law, veterinary science and dentistry. As can be seen, the graduate tax will not be a tax on the wealthy. Rather, it will impose a selective tax on middle income earners on the basis of having attended a tertiary education institution.

The tax will further discriminate against those who are not wealthy as those students who come from wealthy backgrounds will be able to absorb the full costs of the tax by such means as family trusts. Those entering professional areas will be able to write off the cost of the tax through increases in their fees. Corporations will also be able to include payment of the tax among their fringe benefits for employees, leaving those such as teachers, nurses and public servants to face the full brunt of the tax.

It should also be noted that tertiary students forgo a considerable loss of earnings over the period of their study. It has been estimated that it takes as long as 10 years for a graduate to overcome the income disadvantages of time spent in study, without taking into consideration the additional costs associated with education. The addition of the graduate tax on top of these factors will act as a disincentive to many who might otherwise contemplate further study or retraining. The graduate tax will be a particular disincentive to mature aged women as other factors will compete with limited amounts of funds available for study.

The Liberal Party has been very quick to condemn the graduate tax but has offered no real alternative suggestions for funding further places in tertiary institutions other than its previously announced policy on straight-out fees. What the current response is, in detail, who would know? I imagine that the Liberals are still trying to work out the policy, in the same way as they are trying to work out their immigration policy. Perhaps they worked it out today.

The Hon. R.I. Lucas: One at a time.

The Hon. CAROLYN PICKLES: The Hon. Mr Lucas says that they will do it one at a time. He realises that these are very difficult issues indeed. If we are truly concerned about funding the extra places required in the tertiary education sector we should also be considering the other extremely important beneficiaries of tertiary education, the employers; 90 per cent of graduates from higher education are employed, and employers are benefiting from their skills. We should be considering increased contributions by industry towards the cost of higher education through the taxation system. A more equitable taxation system would also help to fund the cost of education in the community.

It has also been argued that the cost of tertiary education is imposing a considerable load on the taxation system. In fact, this is not so. Australia ranks about 17 out of 23 amongst OECD countries in terms of tax load. Only 5.8 per cent of our gross domestic product goes to education compared with 6.8 per cent in the United States of America and 9.1 per cent in Sweden. The Wran report referred to alternatives for raising contributions to tertiary education from industry and the community. Australia has little tradition of private support for education. Australian employers still presume that the public purse will provide. If the Government wishes to approach the issue of industry contributions on the basis of raising revenue to pay for a general social good, it would be appropriate to do that directly in the context of the corporate tax system.

The successful operation of education and training levies in other countries, particularly France and Hong Kong, clearly establishes that the levies benefit both industry and the education and training system. Most importantly, their effectivness has shifted the attitudes of employers towards supporting the value of investment in education and training. The key to these altered attitudes is the contact and experience with the education and training system, which is stimulated by levy arrangements. The Federal Government, I hope, will address some of these aspects of funding.

Finally, I refer to Austudy. I wish to quote from a letter dated 12 August 1988 from the Minister of Employment and Further Education. (Hon. Lynn Arnold), to the Federal Minister for Employment, Education and Training (Hon. John Dawkins) in which Mr Arnold refers to Austudy. He stated:

> I am conscious at the same time that the Committee on Higher Education Funding also made a number of recommendations which would extend the coverage of Austudy benefits. I am not aware of any positive undertaking from you that you would seek to implement such recommendations at the same time as introducing a higher education contribution scheme. As those initiatives would be important in maintaining and improving equity in higher education I now wish to seek such an undertaking from you. I would also appreciate your agreeing to ensure that mechanisms are in place nationally to monitor the impact of the scheme and also to the development of a package of assistance to facilitate access to higher education by people in disadvantaged groups.

The State Government has proposed a strategy for monitoring the extent of coverage of Austudy, and I would like to detail some of the proposals. The Committee on Higher Education Funding recommended that steps be taken to increase the level of coverage from the present level of 43 per cent of full-time students to at least 50 per cent. Most of the data that would be required for this task of ascertaining the level of returning students in 1989 are already provided by institutions. Regrettably, however, it is not possible to determine whether students who do not return fail to do so because they complete their course or because of some other reason. To monitor impact upon returning students it will therefore be necessary to ask each institution to provide data in respect of each student in 1987 and 1988 separately. The relevant data is set out in table form, and I seek leave to incorporate that table into *Hansard.*

Leave granted.

STUDENT DATA

Postcode: (as a surrogate indicator) to allow analysis of impact on socio-economic mix.
Gender: to allow analysis of impact on gender balance.
Course Code: to allow analysis of differential impact on field of study or level of study.
Age: to allow analysis of differential impact on various age groups.
Full-Time/Part-Time/External Status: to allow analysis of any difference apparently due to status.
Return Status: Indicating whether the student returned in 1988-89 or completed in 1987-88 or neither.

The Hon. CAROLYN PICKLES: Analysis on a range of factors would concentrate on changes in the proportion of students who did not complete courses in 1987-88 and did not return in 1988-89. If there is a difference (an increase) it may be desirable to conduct a further survey of these groups of students in relation to the reason for their failure to return. To monitor changes in intake patterns the data referred to in the above table, other than 'Return Status', will be required. This is available on the annual statistical collection and thus long-term trends can be monitored. It is understood that institutions are provided with information enabling them to identify those students in receipt of Austudy. This can possibly be included as an additional field in the second semester collection, but the matter would have to be discussed with institutions.

Finally, Ms President, it is important to note that the question of access and equity in tertiary education is a complex one. Students from disadvantaged backgrounds are

not participating to the fullest extent possible. The problem needs to be addressed throughout the education system. Participation in higher education is affected by factors entrenched much earlier in the education system and in the structure of society itself.

These are the complex issues which we need to address and ones which a State Government can address. This State Government has demonstrated a commitment to access and equity in primary and secondary education and we call on the Federal Government to do likewise in the tertiary education area.

Ms President, I propose that an amendment be made to Mr Lucas' motion. I move to amend the motion as follows:

Leave out all words after 'proposed graduate tax' in paragraph 2 and insert:

2. Expresses its opposition to the previously announced policy of the Federal Opposition calling for extra places in higher education to be funded by fees and calls on them to announce their present response to the funding of higher education places.

3. Calls on the Federal Government to use alternative ways of funding expansion of higher education that is needed for the economic and social development of this country. Furthermore, these alternative methods of funding should ensure that there is both increased access to higher education and a broader social mix in the intake into higher education, that is, improved equity of access.

4. Supports the State Government in its call for the Federal Government to implement the recommendations relating to Austudy contained in the report of the Committee on Higher Education.

5. Requests the President of the Legislative Council to convey this resolution to the Prime Minister and the Leader of the Federal Opposition.

I urge members to support this amendment.

The Hon. M.J. ELLIOTT: We are debating this motion because of the greed of a very narrow section of our community—those who have been pushing for lower and lower taxes—and because of the stupidity of people like Hawke, Keating and Dawkins who have swallowed that hook, line and sinker. The Labor Party has been hijacked by a small group of people. A recent survey states that business executives consider Bob Hawke to be the best post war Prime Minister. I think that possibly the only person who would disagree is John Elliott, the President of the Liberal Party, who thinks that we really could cut taxes further and also make further cuts to benefit the rest of the community.

I was one of those people who was fortunate enough to get a tertiary education. I got it simply because scholarships were available at the time. If I had not won a scholarship I would not have got a tertiary education. I believe that the Hon. Mr Lucas was in a very similar position. In fact, from what I hear, I think even Bob Hawke was a scholarship student. I am not sure whether he would have got his education if such a scholarship had not been available.

The Hon. L.H. Davis: He wouldn't have got into the *Guinness Book of Records.*

The Hon. M.J. ELLIOTT: It was not his beer drinking that got him into university even if he did a bit of it while he was there. I am afraid that people like Hawke are the sort of people written about in *Animal Farm* very much like the pigs—four legs are good, two legs are better. Once he had made it, he forgot his roots.

The PRESIDENT: Standing Orders state that injurious reflections may not be made about any members of this or the Commonwealth Parliament, except on a substantive motion. I ask members to keep that Standing Order in mind.

The Hon. M.J. ELLIOTT: I will try to remember that, Ms President.

Members interjecting:

The Hon. M.J. ELLIOTT: I never said he was a pig. I said he was like the pigs.

The PRESIDENT: I remind the honourable member of that Standing Order and ask him to adhere to it.

The Hon. M.J. ELLIOTT: Yes, Ms President. In fact, higher education is part of a solution. Unfortunately, our Government wishes to see it as part of a problem. The Australian Democrats believe that the Government is not serious about promoting higher education because it does not believe that it is fundamental to the health of our society. It does not make any economic sense to treat higher education as part of the economic problem of this country when in reality it is part of the solution. The development of the talents, imagination and creativity of our population is basic to our society. If we are to develop sunrise industries, then we need graduates. Every country that has succeeded in modern times in the area of sunrise industries has done so by having a large number of people going through higher education institutions.

The graduates are already paying. On average graduates get higher paid jobs and hence, under the progressive taxation system, pay more tax than other taxpayers. They pay not just for a few years after graduation, but for the rest of their life. The majority of graduates end up in occupations where PAYE taxation applies and hence they actually do pay their taxes.

Graduates already forgo income while studying and it takes some considerable time before they actually break even. In fact, I suggest it is a fallacy to say that simply because a person went to university that he or she will get a higher income. Many of my friends that I went through school with who never went on to tertiary education are in jobs which are paying far more than the one I am in now. So, it is a fallacy to suggest that getting a tertiary education is simply an open door to a higher income. That is a gross simplification. All taxpayers benefit from higher education. It is interesting that on page 4 the Wran Report states:

Most taxpayers neither use nor directly benefit from higher education.

That is an absurd statement. If a taxpayer does not use a doctor, a dentist or a lawyer, ride in a car, use the sewerage system or drink water from a tap, watch television, use a computer or wear clothes, then that taxpayer could possibly claim that he or she does not directly benefit from higher education. No-one else could!

The Government has indicated, by its decision, that it intends to lower the amount of public money spent on education. The reason for this is that the mere maintenance of Government spending at the level of 1 per cent of gross domestic product on higher education would fund all the planned growth in student load by the year 2001. The Government simply has to keep the funds for tertiary institutions at 1 per cent of GDP and it can fund every position that it is intending to have. Although Australia has one of the smallest public sectors in the Western world (in fact, it ranks 19 out of 22 of the OECD countries), the centrepiece of the Government's economic plan is still for a smaller public sector and lower taxation. As I said, we have been hijacked.

Advances have been made since the abolition of fees. The Hon. Mr Lucas and the Hon. Carolyn Pickles both made those points very clearly. Education for women has increased from around 30 per cent in 1972 to a little over half at present. There has been a massive increase in the availability of education for and taking up of that availability by women. We have even seen development in fields were there were no women at all. When I was at the University of Adelaide there were 600 engineering students, two of whom were women. It is still a fairly low figure but it is 6.6 per cent; the number is increasing steadily. However,

66 per cent of those in humanities and social sciences are now women.

Taxes and fees will roll back the clock and will immediately impact on the access of women to higher education. We have already seen that happen in the tertiary sector since the so-called administration fee was introduced. The 'user pays' ideology really cannot be sustained. The Government has to show why higher education students should be singled out for this treatment. What about non-compulsory school students? What about apprentices? What about TAFE? A decision on this has been deferred until 1990.

If we broaden the argument, then it becomes even more absurd. Why should not all roads be toll roads? After all, the users benefit from the expenditure of public moneys. The extension of this ideology means that those who receive unemployment benefits should pay it back by an additional tax after they get employment, the sick after they get healthy, and so on. It makes a nonsense of the progressive taxation system. Why does it relate to students and not to other areas? The Government has an obligation to explain.

Domestic air travel is another example. We pay out from consolidated revenue about $270 million so that about 17 per cent of the population can fly around on business. Surely these get a benefit that is paid for them by the other 83 per cent who do not fly. It is also important to consider who are the users. Arguing that students are the users of higher education is a little like arguing that timber cutters are the users of forests. Rather, the users of forests are those who use the end product, such as houses and furniture. Likewise, the users of higher education are everyone in the community since they use the talents, services and products produced by students from higher education institutions. The user already pays if one accepts that the community is the user. The idea of taxing students, therefore, becomes a little like shooting the messenger because he has brought good news.

Who will pay? Undoubtedly there will be a substantial discount for paying up front on the grounds that more money will come in more quickly. A great deal of pressure will be applied to parents to pay. The problem with this is that the PAYE taxpayer will be required, yet again, to pay. PAYE taxpayers already pay the taxes that support the system, and the Government is engaging in a double-dipping exercise. The poor do not pay any tax and will not pay the graduate tax. The very rich do not pay much tax and can afford to pay the graduate tax. PAYE taxpayers pay most of the tax and will be in great difficulty paying this additional tax. There will be a revolt of the PAYE taxpayers in a very short period which will make Governments reverse the system, as has happened in other countries trying similar approaches.

The major myth is that money collected from students will help fund new places. In this area we do not have to speculate because we can look at the record. The Government introduced the higher education administration fee. After the 10 per cent for administration of that fee was taken off the $90 million that was collected by this flat tax and $20 million was taken for Austudy and other support schemes, the rest, namely, about $60 million, was deducted from the block grant. The same thing will happen this time.

The Government has pledged that all money collected will be earmarked for higher education, but it has not pledged that the block grants will be maintained in real terms. Indeed, as I have indicated, there are good grounds for believing that such block grants will be reduced by the amount raised from students. Thus, the graduate tax becomes merely another tax, no different from petrol taxes which are supposedly earmarked for roads—and we know they are not—but only 16 per cent of which is spent on new roads.

I am gravely concerned about other ramifications. There will be no inducement for people who are already working to upgrade qualifications. For instance, teachers who have been in the workforce for some time may find, particularly if they are in a technical area, that they have been by-passed and need to update their knowledge. As the Government now proposes, anybody who goes back to study not only forgoes a year of their salary or however long it takes to get that extra qualification so that they can upgrade their qualification (which does not guarantee a higher salary), but also the Government will tax them for doing that. It is a double penalty on someone who is doing the right thing and from which society as a whole benefits, and that causes me grave concern.

I would be very surprised if doctors, lawyers and the like end up paying the graduate tax in real terms. They have the capacity to pass on additional costs, and I expect that those sorts of people can and will do that. It will fall quite squarely on those graduates who go into the PAYE category. They could possibly offset this only if they made increased salary claims. If they happen to be successful with that, most of them will be making claims against the Government, and the Government will end up paying by the back-door anyway, so what have we gained in the long run? If I am wrong, quite simply the PAYE people will bear the full brunt.

We have the ludicrous situation where only a few years ago nurses were paid to train. We have encouraged them to go into a tertiary course. Good courses are being offered, and they will suddenly now be asked to pay to get the qualifications. It is a complete turnaround and a matter of grave concern. The cost will quite clearly end up falling back on the Government, because the nurses will be expected (and I say rightfully so) to make some sort of claim for increased salaries. Eventually, because the same philosophical arguments apply, I expect the tax to extend eventually to graduates of TAFE colleges. Once again we will be picking up people in the middle income areas who will be hit by this tax.

I am concerned that the Government has no intention to have any sort of indexation on the tertiary tax. That is the very reason why our present taxation system is in so much chaos. The major reason that people support tax cuts is that so many people, who are being caught in the higher tax brackets, should not be there. To eventually get ourselves out of that mess, which helps the very rich more than anybody else, those same people will be hit again. The Liberal Party is guilty of gross hypocrisy in this area. Its policy quite clearly is the rich and thick policy which provides that a certain number of free places will exist. Beyond that, you pay! So, a certain number of bright kids from the middle and lower income brackets will get in by way of scholarships. After that, the rest of the places will be reserved for those who come from rich families. That is really no better; in fact, I would suggest it is probably worse than what the Labor Party is offering. At least the Labor Party's current proposal provides more equal access than the Liberal policy which will let a certain number of lower income people in and then shut the door on the rest. That is gross hypocrisy on their part, and they really should be shown to be as such in the press. Unfortunately, the press is letting them get away with that.

The Labor Party itself is rather two faced. I am told that virtually every State division in the Labor Party has come out against the graduate tax yet, despite all that, the Federal Party continues to pursue it. I fail to understand why South Australian Federal Labor members of Parliament do not have the capacity to do what their own people ask them to

do, namely, reject this tax. That is what they were asked to do at their last convention. To not do so makes a farce of the convention and puts those who support this motion in a hypocritical position. I would hope that at least if this motion passes, any talk of increased so-called administration fees for TAFE will be dropped in its tracks. There is already a proposal that TAFE fees have quadrupled, beginning exactly the same process that occurred at the Federal level, I hope and expect that the Labor Party will very quickly kill that off.

It appears that all members of this Council will support the motion. There has been a little bit of Party grandstanding from all directions. The original Liberal motion—

The Hon. L.H. Davis: We have never accused the Democrats of grandstanding.

The Hon. M.J. ELLIOTT: Let me finish. The Liberal Party started off with a motion which quite clearly was aimed more at getting at the Labor Party than at the tax issue. The Labor Party's amendments turned it around on to the Liberals. I hope that at the end of the day Party partisanship will be forgotten and that the motion that passes this Chamber, with the support of all members, will make clear that all members find the graduate tax intolerable.

The Hon. M.B. CAMERON secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

The Hon. M.B. CAMERON (Leader of the Opposition) obtained leave and introduced a Bill for an Act to give the members of the public rights of access to official documents of the Government of South Australia and of its agencies and for other purposes. Read a first time.

The Hon. M.B. CAMERON: I move:

That this Bill be now read a second time.

This is the third time that this Bill has been introduced into this Chamber. I hope that on this occasion those people in Government, who I freely admit were the authors of this concept in the beginning, will finally see their way clear to support what is a very sensible Bill. I believe it is the cornerstone of a democracy that has grown up. I do not believe that one has true democracy until citizens of the State have the ability to determine, through access to information, whether or not that democracy really exists.

Perhaps we should start using the word '*glasnost*', because I was rather amused to read a report in the *Advertiser*, entitled 'Full information a right', of a recent meeting of the main people who seem to run that great State, the Soviet Union, which stated:

> The Soviet Communist Party conference affirmed the right of every Soviet citizen to have access to full information and to discuss any issue openly and freely, according to resolutions ... The inalienable right of every citizen to full and authentic information—other than State and military secrets—on any issue of public affairs, and the right to discuss any socially significant matter ...

We should at least catch up to the Soviet Union! This matter was first raised when an issues paper on freedom of information was sent to various people in December 1978. Perhaps in December 1988 we might achieve that which was intended by the then Attorney-General (Hon. Chris Sumner), a man for whom I used to have a lot of respect on this matter because I believed and supported him in relation to it. He got up in this place and issued great statements about the need for freedom of information.

The Hon. R.J. Ritson: Was he in Opposition when he said that?

The Hon. M.B. CAMERON: No, he was in Government. The issues paper states:

> The basic idea underlying freedom of information is that the information of Government should be the information of the people. The Government should release all information unless there are compelling reasons for not doing so. It should be more difficult to withhold information than to release it.

They are very fine words, which I fully support.

The Hon. Peter Dunn: Who said that?

The Hon. M.B. CAMERON: That is contained in a document that was sent around by and with the support of the Attorney-General. It continues:

> The Westminster system of government traditionally emphasises ministerial responsibility for Government actions and an impartial career bureaucracy to advise Ministers and to act on their instructions. The need to complement ministerial responsibility by a more direct accountability for administrative actions is being increasingly aired. Ministers simply cannot know everything that goes on in their departments. This gives administrative agencies a great deal of independent power to interpret recommendations and to influence the policies of Governments.

That is perfectly true, and is one of the great problems of Ministers in this modern day and age—that they cannot possibly know what is happening. It is up to many people—journalists, politicians and the people—to ensure that there is accountability. While in the end Ministers are responsible, provided that they have opened their books and allowed people access, I believe that they no longer need fear that suddenly a leaked document will appear that will cause them problems. One of the best ways for Ministers to get out of trouble with people like myself and other members of the Opposition, such as the Hon. Mr Dunn and the Hon. Mr Irwin, is to open up the world of government so that we cannot go to the press and say, 'I have a leaked document that fell off the back of a truck.' If they opened up government they would find that they would have much less trouble. The issues paper continues:

> Freedom of information is not likely to significantly affect the relation between Ministers and public servants. Responsibility to debate and justify all departmental decisions would still lie with the Minister.

This is a very interesting point. It states:

> It is not the job of the public servant to argue the case in the public arena. What freedom of information could do is ensure as far as practicable, that all people involved in the ongoing debate on public issues have the opportunity to examine relevant background material including the important material compiled and argued within the Public Service itself.

That again is a very important issue, because it means just what it says: that we would have people outside the Public Service debating issues. I am somewhat bemused from time to time to find that many public servants now feel that they have a duty to publicly defend the Government of the day. In the area of health, in which I have a particular interest, I find that there are more public servant spokespersons than in any other area of Government. I watch with great interest to see the number of people who consider that they have the right to argue with me, a politician, and who feel that they are no longer public servants advising the Government but are members of the Government and are able to argue with me. I am getting sick to death of that.

The Hon. Barbara Wiese: Aren't they entitled to argue with you?

The Hon. M.B. CAMERON: Not publicly. They are public servants. Their duty is to argue through the Minister. They are to advise the Minister of the issues to be argued and how they are to be argued. They can suggest in every way possible, but they should not become public figures arguing publicly with me. I believe that a part of this problem is that many Ministers are not prepared to stand

up publicly and argue the issues. They are frightened. We have seen that in relation to the country hospitals dispute where two public servants were left to carry the can (and I will not go through that again). If the Minister wants to argue that at any time I am quite prepared to do it.

I say to public servants and to the Public Service that they ought to examine where they are going with that matter. The Attorney-General says that the Government is introducing freedom of information through administrative procedures. That was clearly argued in the documents which he issued and which he accepted. I seek leave to table the issues paper on freedom of information in order to assist members who may take an interest in this debate.

Leave granted.

The Hon. M.B. CAMERON: Page 4, paragraph 1.3, of the issues paper states:

> Why legislation? Legislation is a public and more permanent commitment to a measure. It entails public discussion and debate which draws wide attention to the proposed reform and educates the public in its aims and practices. It is a clear statement of government intention and priority. Freedom of information reforms could alternatively be introduced by administrative instructions, subject to the secrecy and disclosure of information provisions of the Public Service Act.

The Hon. J.C. Burdett: They could be changed.

The Hon. M.B. CAMERON: That is right; that is what it says. It continues:

> However, long standing practices and attitudes would be difficult to overcome merely by administrative measures. The results of different approaches adopted in the United Kingdom and the USA suggest that legislation is a necessary precursor for changing attitudes to disclosure of information.

I will quote from another document which was the main document entitled 'Proposals for Freedom of Information in Australia'. In fact what the Hon. Mr Burdett is saying is correct. I seek leave to table a copy of this document also to assist members who might take part in this debate.

Leave granted.

The Hon. M.B. CAMERON: The document states on page 10:

> In the absence of legislation, the administration of a freedom of information policy is more likely to be affected by departmental or administrative convenience such as the availability of resources in records management and information functions. Documents which might well be disclosed may, in the absence of a statutory requirement to disclose, be withheld because release of them would be embarrassing or too much trouble.

I think that is very important. The document continues:

> A policy directive given by a government—

and this is the point the Hon. Mr Burdett was raising—

> would not be legally binding upon successive Governments, notwithstanding that a pattern of disclosure had been established. Legislation would be an earnest of the good intentions of the Government. Unlike a policy directive by the Government, legislation would give a person a legally enforceable right of access to documents which could be released without damage to the public interest. Legislation could have a significant educational role in creating a climate in the administration where access was the general practice. As a corollary, legislation would increase public awareness of the needs for restrictions on access to Government documents, and the nature of these restrictions.

It goes on to say (and this is the Attorney's own proposal which he accepted in full in 1984):

> The working party finds the arguments in favour of legislation compelling and recommends the enactment of freedom of information legislation providing for a legally enforceable right of access to any document in the possession of Government departments and agencies unless that document is in a category of exempt documents to which access may be denied.

There is no doubt that that is correct. We cannot rely on 'Sir Humphreys' to be prepared to release information that might in any way damage their beloved Minister or the Government of the day. That is their role; they are there to protect the Government. Anybody who has watched *Yes Minister* will recognise that that is the role of the public servant. So they will certainly not draw the attention of the Minister to documents that are likely to cause them some bother afterwards. This whole document, which argues the case for freedom of information (and that is really the only case that was argued) states:

> The case for openness in government is compelling. The essence of democratic government lies in the ability of people to make choices: about who shall govern; or about which policies they support or reject. Such choices cannot be properly made unless adequate information is available. Access to information is essential in ensuring that Governments are kept accountable. The accountability of the Government to the electorate is the cornerstone of democracy and, unless access to sufficient information is provided, accountability disappears. Without access to information individuals are unable to participate in a significant and effective way in the process of policy making. Much information in the hands of the Government can be and is made available at present.

It goes on to indicate that there are numerous ways in which information can be obtained but, of course, there is a lot which is not available and to which the Government believes that the people outside of this place should have no access.

I believe that the arguments in this document are compelling indeed, and members should refresh their memories because it is some time since the matter was first raised and since this document was first produced. Members may well have forgotten what the basis of it was. What really gets my goat is the fact that for three successive years I had introduced this Bill, a Bill that was only introduced as a result of the Attorney's failure to do so. I give him full credit for being the author of the proposals that are contained in that document. What I am offering him is cooperation from us in introducing this Bill.

The Hon. R.J. Ritson: Give him all the credit.

The Hon. M.B. CAMERON: That is right, all the credit. If he wants to take over the Bill now, make it his own and gain the credit, that is fine by me. However, I despair the future of this proposal if the Attorney, the author, is not prepared to accept that offer, because I believe that he must see that as very genuine. We, in the Opposition, have been accused by the Government of being negative. Let me make this quite frank and free offer because I will not try to plagiarise his work. I will be pleased if he wants to take it back, if he wishes to be brave and become again the proponent. In 1984 he promised us that he would introduce freedom of information. He said that in a statement in the *News* of that date in 1984, and I seek leave to table two documents that fully outline what was said at that time also to assist people in the debate.

Leave granted.

The Hon. M.B. CAMERON: The report in 1984 stated:

> The freedom of information laws would be introduced next year. A Bill is being drafted for Parliament. The legislation will be based on the report of a working party which examined how best Government material could be made available to the public.
>
> Mr Sumner said the proposal proved the Bannon Government was serious about freedom of information.

They are very strange words now. It goes on to talk about access. In the *Sunday Mail* of 8 January 1984, the same guarantee was made. He said from West Germany, that the Government was committed to freedom of information legislation and the Bill would go through early the next year. Freedom of information was to be introduced on an administrative basis. That was just an interim measure.

So I trust the Attorney will see fit to agree to take this whole matter back to his Cabinet and to bring in this extremely worthwhile proposal in his own name. If he does not, then the matter will still proceed because it has been around for too long. It has been around now for nearly 10

years and I trust that before some of us disappear from this place we will in fact see success.

My Bill covers everything in chapter 7 of the report on freedom of information. It goes through all the matters and my only instructions to the Parliamentary Counsel were, 'Take this report away and draw up a Bill on it.' There is nothing in there that I put in that is different from the report that was produced by the experts appointed by the Attorney-General. If any member can find anything that is wrong with it, I am perfectly happy to accept an amendment. But I gave very clear instructions that I did not want anything changed because I did not want the Government to have any excuse not to proceed with the Bill.

So it is a very clear Bill. I have also indicated to the Attorney that I understand about the cost of freedom of information and that I would hope that, while any costs would not make it prohibitively expensive to obtain information, nevertheless some sensible charging system could be introduced. It has been said by the Attorney and the Government (and this is the only excuse given) that they cannot afford it, that the costs would be prohibitive. It is very strange that, whenever the Government wants to provide information to the public, people can always be found to do it. If we look up in the gallery on any day we can see press secretaries ready to give information to the public but evidently we cannot afford the very basis of democracy, that is, to provide people with information that they want, not what the Government wants to give them. This Council has an opportunity for the third time to pass this Bill and also to take it to the other place and get it passed and get it into action. Let us show the people of South Australia that the Government is not frightened; it has not got anything to hide and is prepared to allow the people into its confidence. Let us have at least true democracy in South Australia, an adult democracy not a juvenile one, where people in Government are prepared to say, 'Yes, we trust you; you can have the information.'

I urge this Chamber to support the Bill. More importantly, I urge members of the Government to support it on the basis that it will go to the other place and will become law in this State for the first time and, as I said, at last we will have true democracy.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that the Act binds the Crown.

Clause 4 sets out the various definitions required for the purposes of the Act. Of particular importance is the definition of 'agency', being an 'administrative unit' or a 'prescribed authority'. An administrative unit means an administrative unit under the Government Management and Employment Act 1985 and a prescribed authority includes a body corporate established for a public purpose by or under an Act, a body created by the Governor or a Minister, a prescribed body over which the State may exercise control, a person holding statutory office and the Police Force (but does not include, amongst other bodies, a royal commission, a local council or a school or school council).

Clause 5 requires the Minister responsible for each agency to publish certain information concerning the functions of the agency, the documents that it maintains, the type of information that is distributed by the agency and the boards, committees and other bodies of the agency that are open to the public. The information is to be revised annually.

Clause 6 requires the disclosure of certain information relevant to the making of decisions and recommendations under or in pursuance of an Act. The section is particularly concerned with documents that are used as directives to officers for determining the rights or liabilities of a person under an Act.

Clause 7 is intended to ensure that a person will not be prejudiced by an agency failing to disclose a document to which clause 6 applies.

Clause 8 requires the Premier to make available certain information relating to Cabinet decisions.

Clause 9 requires an agency to prepare a statement specifying various documents that are created within the agency. The statement will be revised annually. As in the case of the preceding four clauses, this clause is intended to assist members of the public in finding out the type and number of documents that an agency deals with.

Clause 10 allows a person to challenge the completeness of statements produced under clauses 6 or 9.

Clause 11 prescribes the right of a person to gain access to a document of an agency or an official document of a Minister, except where the document is an exempt document.

Clause 12 provides that certain documents are not accessible under this Part (being documents that are available in any event).

Clause 13 requires Ministers and agencies to administer the Act with a view to making the maximum amount of government information easily available to the public.

Clause 14 provides for the making of applications for access.

Clause 15 allows a request for access to a document to be made to any agency which has a copy of the document. A request made to an agency that does not have the particular document must be handed on to the appropriate agency.

Clause 16 deals with the situation where, although information may not be available as a discrete document, it is available through the use of a computer or other equipment.

Clause 17 requires access to a document to be given on request.

Clause 18 requires an agency or Minister to take all reasonable steps to process an application for access quickly and a decision on an application must be given in any event within 45 days.

Clause 19 deals with the fixing of charges. The charge for gaining access to a document must in no case exceed $100. An applicant will be informed if the charge is likely to exceed $25. An applicant can apply for the review of a charge.

Clause 20 prescribes the various forms in which access may be given.

Clause 21 provides for the deferral of access where the document has been prepared for presentation to Parliament or release to the press.

Clause 22 provides that where exempt matter can be deleted from a copy of a document so that it is no longer an exempt document and the applicant is still interested in that copy, access shall be given accordingly.

Clause 23 allows a decision on access to be given on behalf of an agency by the responsible Minister, the principal officer of the agency or an officer authorised pursuant to the clause.

Clause 24 requires a refusal to access to be accompanied by prescribed information.

Clause 25 provides that Cabinet documents are exempt documents. A certificate signed by the Chief Executive Offi-

cer of the Department of Premier and Cabinet establishes conclusively that a document is an exempt document.

Clause 26 provides that a document is an exempt document if its disclosure would be contrary to the public interest and would disclose information or matter affecting intergovernmental relations or confidentiality.

Clause 27 provides that certain internal documents used to advise an agency, a Minister or Government are exempt documents if their disclosure would be contrary to the public interest.

Clause 28 provides that documents used in the processes of law enforcement are exempt documents, for example, if they prejudiced the fair trial of a person.

Clause 29 provides that a document that is privileged from production in legal proceedings on the gounds of legal professional privilege is an exempt document.

Clause 30 provides that a document is an exempt document if its disclosure would involve the unreasonable disclosure of information relating to the personal affairs of a person, whether alive or dead. Where it is decided to grant access to a document containing personal information about a person other than the applicant, the agency or Minister should attempt to notify the person and inform him or her of the appeal rights that exist under the Act.

Clause 31 restricts the disclosure of information arising from a business, commercial or financial undertaking.

Clause 32 protects information or matter communicated in confidence.

Clause 33 provides an exemption to a document where its disclosure would be contrary to the public interest on account of the fact that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of the State.

Clause 34 provides an exemption to documents arising out of companies and securities legislation.

Clause 35 grants an exemption to documents where disclosure would contravene a prohibition provided by another enactment.

Clause 36 provides that a person who obtains information about himself or herself may request the correction or amendment of the information where the information is inaccurate, incomplete, out of date or misleading.

Clause 37 prescribes the form of a request made under clause 36.

Clause 38 provides for the amendment of personal records.

Clause 39 provides for notations on personal records.

Clause 40 requires that a decision on a request for the amendment of a personal record be made within 30 days.

Clause 41 specifies that a decision on a request must be made by a person referred to in clause 23.

Clause 42 provides for the application of certain other provisions.

Clauses 43 and 44 prescribe procedures that may be followed if a court confirms a decision to refuse to amend a personal record.

Clause 45 confirms that certain notations added to records under clause 44 may be communicated to persons who received information contained in the records before the commencement of the clause.

Clause 46 provides for the correction or amendment of original documents.

Clause 47 provides for the making of appeals from decisions under the Act.

Clause 48 provides for an internal review process where the initial decision was made otherwise than by a Minister or principal officer.

Clause 49 prescribes a 60 day time limit for the making of an appeal.

Clause 50 relates to situations where notices of decisions are not received within the time limits prescribed by the Act or where complaints are lodged with the Ombudsman.

Clause 51 prescribes who shall be the defendant to an appeal application.

Clause 52 provides that on an appeal, the agency or Minister concerned has to satisfy the court that its or his or her decision was justified.

Clause 53 allows the court to require the production of an exempt document for examination by the court.

Clause 54 allows for the intervention of the Ombudsman.

Clause 55 relates to costs.

Clause 56 allows the court to order a waiver of costs under the Act in certain cases.

Clause 57 relates to the joinder of parties.

Clause 58 allows the court to report cases of misconduct or breach of duty under the Act.

Clause 59 provides that, for the purposes of appeal proceedings, the Supreme Court (the court vested with jurisdiction on an appeal) may be constituted of a single judge or master.

Clause 60 provides protection from actions for defamation or breach of confidence when access is given under or pursuant to the Act.

Clause 61 prevents criminal liability attaching when access is given under or pursuant to the Act.

Clauses 62 and 63 are reporting provisions.

Clause 64 provides for the making of regulations.

Clause 65 provides for the retrospective operation of the Act in certain cases.

The schedule contains a list of bodies that are specifically exempted from the application of the Act.

The Hon. R.J. RITSON secured the adjournment of the debate.

[*Sitting suspended from 6.2 to 7.55 p.m.*]

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 16 August. Page 198.)

The Hon. J.C. BURDETT: I support the motion. I thank His Excellency for the address with which he opened Parliament and I reaffirm the oath of allegiance to Her Majesty the Queen that I swore in this place. I join with the other speakers in this debate in regretting the death of the late Pastor Sir Douglas Nicholls, a former Governor of this State, and in the expressions of sympathy to his family. He was indeed a courageous, able and tenacious person, and our community is very much the poorer for his loss. The Hon. Julian Stefani has taken a place in this Council. He has received the Order of Australia honour and honours from the Italian Government for services to the Italian people. He has also made a significant contribution to the Australian community as a whole, and I certainly look forward to hearing his speeches in this place.

I wish to address the subject of legislation before Parliament that deals with matters of conscience and moral issues. Should members be guided by their conscience? Should they be guided by what appears to be the view of the majority of electors? Should they be guided by the view of their constituents? Should they be guided by the view of their political Party? What other criteria should they take into

account? I will address this question in relation to sample areas. The first is abortion, a subject that was debated to a limited degree in this Council in the last session.

The principles adopted by legislators and their perception of the views of the electors will clearly determine the nature of the legislation. John M. Finnis postulates three schemes for regulation of abortion in his work *Three Schemes of Regulation: The Morality of Abortion* (page 172). The first scheme is the prohibition of all abortions except where the life of the mother is threatened; the second is the permission of abortion when previously authorised by independent officials, under defined but ampler categories of medical, psycho-medical or quasi-medical conditions (which has been charaterised as 'doctor knows best'); the third is the permission of all abortions save those performed by persons who are unqualified to carry out the medical procedures involved: in other words abortion on demand.

An understanding that these are the three basic schemes and that there can be a merging of one scheme with another is necessary for an examination of this subject. The first question for the legislator is which scheme he or she personally accepts. I hereby declare that I personally believe that human life begins at conception. There have been suggestions that life begins shortly after conception, sometimes called blastocyst, as espoused by G.E.F. Hughes in 'England's Great Leap Backwards: The Abortion Act 1967', reported in *Australian Law Journal,* Volume 43, page 12 at page 15. There is increasing philosophical and indeed medical support for this view. Certainly, life begins at that time and, in the case of a human embryo, there is no doubt that it is human life. Medical practitioners and scientists are resiling from the proposition that there is any justification for holding that viability can be the test for the start of life.

Any legislator who starts from this premise will obviously prefer the first scheme. Anyone who holds this view will regard abortion as the destruction of human life and, therefore, murder, unless it can be brought within one of the accepted justifications for the taking of human life, for example, self defence. The exception postulated by the first of the three schemes, namely the preservation of the mother's life, is an example of applying this recognised justification for the taking of human life, that is, self defence. It is popular at present to talk about discrimination. The permission of abortion can be seen as discrimination against the unborn, the reserving of all the rights for the 'born class'. This is recognised by the United Nations Declaration of the Rights of the Child, 1959, which provides:

> Whereas the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection before as well as after birth . . .

There is an even more prestigious authority for this principle. The *Digest of Justinian* (Book 1, Title 5, sections 7 and 26) states:

> An unborn child is taken care of just as much as if it were in existence in any case in which the child's own advantage comes in question.

Clearly it is not to the child's advantage to be destroyed. The original Hippocratic oath is another example. There is another and quite vociferous group of legislators who advocate abortion on demand; those people will clearly support the third scheme.

Their philosophy is that a woman's body is her own, and they regard the foetus as being nothing more than a part of a woman's body and clearly do not recognise it as being human life. On page 198, Finnis states:

> Indeed, under the third scheme the foetus is likely to be less protected against the mother than are other portions of her anatomy. For by Anglo-American common law, no-one may consent to an assault upon himself: consent is relevent only as a precondition of the lawfulness of physical interventions within the context of lawful games or of medically indicated treatment. To ask a surgeon to cut off one's leg in order to win a bet, or the better to beg or for no reason other than one wants it off, does not legally entitle the surgeon to perform the operation. This is not in itself a criticism of the third scheme but underlines its novelty and scope.

The principles acknowledged by the supporters of the first and third schemes are quite clear. The supporters of the second scheme want some sort of a compromise, the retention of some controls other than the mere qualification of the persons who carry out the procedure but certainly not a recognition that a foetus is a human life. In practice the adoption of the second scheme *de jure* leads to the implementation of the third scheme de facto, and this has happened in South Australia.

The legislator, having determined which set of principles he or she accepts, must then consider the view of the electorate. In our system of democratic parliamentary Government, the legislator represents the electors at large and those who supported his or her election in particular. The laws made by Parliament bind all the citizens and not just those who hold the particular principles of the legislator. The supporters of the second and third schemes point out that those who hold abortion to be moral murder do not have to resort to it, and they claim that abortion ought to be available to those who hold different principles. In my view, however, it is legitimate for those who regard the foetus as being a human life to seek to legislate for the protection of that life, just as he or she could legitimately seek to legislate for the protection of human life after birth. It is generally recognised that the object of legislation ought to be the common good. The question is really whether or not the unborn are part of the group to be considerd within the common good.

The protagonists of the second and third schemes, claim that the first scheme leads to a lot of illegal abortions, many of them posing a threat to the life of the mother. Whilst it is of course impossible to obtain statistics for illegal acts, it would appear that the second and third schemes by no means eliminate illegal abortions.

Paul Cavadino, writing in the *British Journal of Criminology* 1976 (16 (1) Jan. 1976 pp 63-670) seeks to assess the incidence of illegal abortion still taking place in Britain since the introduction of the Abortion Act in 1967. To make this assessment he looks at how the figures can be estimated. He concludes that the only reliable way is to look at hospital discharge figures for treatment for incomplete abortion. He concludes, too, that the Act has failed in its aim to reduce illegal abortions.

To sum up, the legislator's view of what is a life will determine his or her view on legislation about abortion. The preservation of life, so far as it can be legislatively achieved, is obviously a paramount duty of the legislator. The member of Parliament who holds foetal life to be human life will feel justified in supporting legislation to preserve that life as well as the life of the mother, and in view of the importance of the preservation of life will feel that this is a legitimate position to take, even in a pluralist society. Politics has often been said to be the art of the possible not the probable, and the pro-life legislator, like any other legislator, will have his or her eye on the numbers needed to pass legislation.

I said that I would use several sample issues about the question of how the legislator addresses moral issues. The second sample issue is euthanasia. There has been a considerable amount of publicity about this issue in recent times both in the media and in the public activities of SAVES (South Australia Voluntary Euthanasia Society). They have said that this is the greatest social issue since abortion,

and they may well be right. There will undoubtedly be a Bill to legalise voluntary euthanasia in the near future—I would suggest shortly after the next election.

SAVES has made a great point of saying that the issue is not 'euthanasia'—it is 'voluntary euthanasia'. I do not see how it can validly split the issue in this way and I do not accept it. The issue is the total issue of euthanasia. If SAVES wishes to restrict its push for the legalisation of euthanasia, then that is its affair if it can make the distinction stick, but whatever it says about it, the issue is euthanasia.

SAVES uses the usual time honoured methodology on life issues of making great play on hard cases. The same method applied in regard to abortion. The most agonising cases of patients dying in great pain when their suffering could be shortened by killing them are brought forward. The argument overlooks the fact that the management of palliative care today has made very great steps forward to the point where pain can be controlled. The right way to go is even further to develop the care for the ageing and the dying, not to destroy human life. The hospice movement has been well developed in South Australia, especially at the Mary Potter home at Calvary Hospital, the Philip Kennedy Centre at Largs Bay and the Flinders Medical Centre. Unfortunately, palliative care has recently had a set-back with the closure of Kalyra.

I am not sufficiently informed in this area to go into the details of palliative care but I do pay tribute to those in the centres I have mentioned and others who have made such great advances in these areas. I also note the on-going argument as to whether or not pure heroin should be used in the treatment of pain, particularly in regard to the dying. As far as I have heard, in appropriate cases heroin is the most effective treatment with the least distressing side effects. Even in this day of wonders in regard to medical drugs it has not been possible to produce synthetic heroin without severe side effects. The use of heroin is not favoured because of the danger of heroin finding its way from medical use into the drug trade. Everything we do in this life is fraught with some danger. It is a question of balancing the good against the risk, and it seems to me that the use of heroin in the treatment of the dying ought to be further considered. In the case of the dying the question of addiction, of course, does not arise.

The question of palliative care of the dying has unfortunately not been adequately addressed by the State and Commonwealth Governments. The Commonwealth says that it is a State issue and the States, in the present financial and governmental climate, are not in a position to take on another substantial ongoing commitment. Whether or not Medicare is the appropriate form of funding medical and hospital care is another issue. I personally believe that it is not suitable, at least in its present form, and perhaps it should be replaced altogether by a different system. But while we have the Medicare system, I see no reason why persons in hospice care cannot be funded as if they were in hospital. The 35-day rule could still apply if there was fear of abuse. After all, the average bed stay at Philip Kennedy, for example, is less than a fortnight.

The protagonists of voluntary euthanasia point to the Natural Death Act passed by this Parliament and they say that withdrawal of life support is a form of euthanasia. They call it passive euthanasia and they say that it is morally indistinguishable from active voluntary euthanasia. They even go further and claim that active euthanasia is preferable to the withdrawal of life support because they claim that it might involve less suffering than the withdrawal of life support. The right to withdraw or withhold extraordinary treatment has always been acknowledged. It had been practiced long before the Natural Death Act. In fact, in its final form, the Natural Death Act, which I supported in debate and voted for, incidentally, did little more than codify the existing law and set out procedures for persons to record their desire for life support to be withdrawn in certain circumstances. The Act expressly prohibits active euthanasia. The member who introduced the Bill, the Hon. Frank Blevins, expressly said, and correctly, that the Bill did not provide for euthanasia. I gave as one of my reasons for supporting the Bill that I believed that to make it clear that some of the cases held up to the public as being outrageous cases of needlessly extending life by useless treatment could legally be avoided would lessen pressure for the legalisation of euthanasia.

The withdrawal of life support is not the practice of euthanasia. In all moral thinking and in the two great legal systems of the world, for that matter, the common law and the Roman law, the intention with which a person carries out any act is all important. If a man shoots his wife under the genuine but mistaken delusion that she is a tiger, that is not murder. In the case of withdrawal of life support, the intention of the medical practitioner is not to kill the patient but to withdraw totally useless and ineffective treatment. It is the intention which counts and the withdrawal of life support cannot be equated with euthanasia, passive or otherwise. There is an old legal saw that may be worth quoting in this connection: 'Thou shalt not kill but needst not strive officiously to keep alive.' Euthanasia is killing.

It is the intention to kill that gives euthanasia its immoral and illegal connotation. In the euthanasia debate, reference has been made to other legal acts of killing which have also been morally defended; for example, capital punishment, in places where it exists, and killing in self defence or in warfare. While it is relevant to raise these comparisons the Council will be relieved to know that I do not intend to chase each of these rabbits down its respective burrow. I shall only say that in each case, the key is the intention—to promote law and order in the common good, to defend oneself or defend one's country.

In the life issue generally, both at the beginning and the end of life, some have argued that a life is not really a human life unless it has some utility or some value. There is even the bizarre suggestion that a baby is not really a human life until it is three months old. All it has done is change its address and it may be destroyed for good reason during that period. My overall purpose in this speech is to say that a member of Parliament on issues such as this is entitled to take into account his or her own moral views, including religious views if they influence the moral, and I again declare that I would not support legislation the purpose of which is to destroy life.

I am opposed to euthanasia whether it is voluntary or not, but the fear has been raised that what starts as voluntary euthanasia may lead to the legalising of involuntary euthanasia in some circumstances. I think that this fear has some foundation. Protagonists on both sides of the debate talk glibly about the thin end of the wedge argument or the slippery slope argument. There is the suggestion that some time in the future, if the Parliament legalises voluntary euthanasia, there may be a move to take it out of the hands of the patient in some cases and place it in the hands of doctors and/or other people, panels, committees, boards, etc. as may be appropriate. To be fair, I am satisfied that Professor Jim Richardson, the foundation President of SAVES, and the leading supporters of the organisation are totally committed to voluntary euthanasia only, and totally opposed to any other form of euthansia, but that does not mean that others who do support other forms of euthanasia

will not proceed from voluntary euthanasia, if that becomes the law, to other forms of euthanasia. This progression from the small breakthrough to the larger is universal. Even in this area, when the Natural Death Bill was introduced it was said it was not euthanasia. Now SAVES is saying that it is passive voluntary euthanasia. It is only one more step to extending it beyond the voluntary area and, if euthanasia is legalised at all, I have no doubt that this will happen: it always does.

Without at the moment commenting on the propriety or otherwise of the individual matters, I will give just two examples of the inevitable progression. In abortion we had the Millhouse Bill which purported to provide for abortion on restricted grounds. This has become *de facto* abortion on demand. Divorce has progressed from being illegal to legal on certain fault grounds, to the intrusion of the no-fault ground of five years' separation to the sole no-fault ground of one year's separation. The progression always happens.

The only country in the world so far as I am aware which has in any sort of sense legalised euthanasia is the Netherlands. This has been done through the medium of a Supreme Court decision on a particular case where a doctor deliberately killed a patient, and the current practice has developed from there. The parallel in life issues is interesting. As the abortion law in South Australia stemmed from the *Bourne* case in the United Kingdom, so in the Netherlands the euthanasia law is stemming from the case in question. There is a Bill before the Dutch Parliament at present to write the current principles into legislation, and this of course is what the Millhouse Bill did. The Hon. Robert Ritson has, I know, been to the Netherlands to study the state of play and at some time I am sure that he will inform this Council of the outcome of his research.

The final example to which I will refer, as to how we should deal with moral issues, is that of pornography generally and particularly in regard to videos. Shortly after I came into Parliament in 1973, I had a lot to say about pornography in regard to the Classification of Publications Act and the Film Classification Act and I predicted that the bizarre and outrageous nature of pornography would get worse. Another example of the progression; it did get worse. At that time it was claimed that there was no evidence to suggest that there was any connection between violent sexual crime and pornography. With the myriad examples of rapists whose living quarters have been plastered with pornography, this position has been abandoned and there is evidence that there is a relationship between pornography and sexual crime.

A Liberal Party amendment in February 1985 (page 2438 of *Hansard*), moved by the Hon. Trevor Griffin, outlawed X and the then proposed category of ER videos in this State. In regard to the Federal Capital Territory there has been ongoing debate on this subject, and I think it is fair to say that the wisdom of this Council has been justified. Some elements in the video industry have been lobbying heavily in this area. Their principal argument appears to be that if one does not legalise such videos there will be a black market—the old, old argument. We should have the guts to outlaw what is wrong and anti-social and not be put off by this sort of blackmail.

I was very pleased to read in the press recently that the State Convention of the Labor Party defeated a move to remove the conscience vote. In this great democratic country of ours I would have been most disillusioned if one of the two great Parties had decided not to allow its members to exercise their conscience on social issues. It is perhaps even a shame that the privilege is not extended further. We are supposed to be legislators, and in the Liberal Party a wider discretion is allowed. I was surprised that the Labor Party even entertained the idea, but then I know what can come up at State conferences or conventions, in any Party.

For that matter, I would have been upset if one of the minor Parties, like the Democrats, had decided to deny its members a conscience vote. I note that the Hon. Mr Elliott projected that his Party would become the 'official Opposition Party' in the foreseeable future. The Democrats do not hold a single seat in the House where Government is decided, nor has it come anywhere near that target, and it will not at the next election or the one after. But the Hon. Mr Elliott is entitled to his dream.

To return to the question which I raised at the outset as to what criteria members should be guided by on moral issues, I would answer that one of the criteria, and right up front, should be their own conscience. I support the motion.

The Hon. I. GILFILLAN: I support the motion and thank His Excellency for the excellent address with which he opened this session of Parliament. In speaking to this motion I want to discuss a topic that is much on my mind and in the media—the question of corruption in South Australia and the measures that can be taken to reduce and control it. First, I refer to documents that were tabled in this place yesterday relating to the Government's proposal to set up an Anti-Corruption Unit and a ministerial committee. Members will realise that the Democrats have indicated their support for an independent commission against corruption which is similar to legislation that is now in force in New South Wales.

I think that somewhat erroneously it has been portrayed that the Government's steps to this stage and the recommendations in the NCA report have been substantially in conflict with my proposal that there be an independent commission. I do not believe this to be true. It is important to look more closely at the NCA report (chapter 12) which was tabled yesterday. Paragraph 12.3 states:

> The authority however does not recommend an independent inquiry into the South Australian police such as or similar to a royal commission.

I make it plain that neither have I ever advocated an independent inquiry into the South Australian police *per se*. I do not believe that the police have warranted that degree of scrutiny, and that is not the purpose of an independent commission against crime. In my further remarks I hope to make plain to the Chamber that they are two different purposes. Page 122 contains an interesting observation and quotes, in part, a letter dated 18 September 1987 from Commissioner Hunt to the Chairman of the NCA. It states:

> I now turn to the purpose of this letter and that is essentially to ask if you will agree to my officer in charge, policy audit, speaking with you and your nominated officers re matters relative to function 7. That is to research and identify corruptive influences in the community so we can develop anti-curruption strategies.

It is pleasing to me to see that the Commissioner has identified corruptive influences in the community. Once again I feel that the Democrats are going parallel to comments and opinions held by the Commissioner, as cited in the NCA report.

Page 123 of the NCA report proposes the establishment of a unit, obviously the type of unit that the Government has taken up as its anti-corruption unit proposal. Page 123 states:

> One possible option you may wish to look at in relation to the latter aspect is the establishment of a permanent unit within South Australia police to investigate corruption, along the lines of the New South Wales Internal Police Security Unit, in addition to

the current South Australia Police Policy Audit Section and Internal Investigation Branch.

The report then goes on to outline some of the responsibilities of that unit. I make the point that the New South Wales Internal Police Security Unit is in place as well as the independent commission against corruption. They are not competitive; they are not an either/or. I hope that I make plain to this Chamber that it is not in conflict with the overall approach to this matter to have both the internal unit, or the joint unit (as proposed by the Government), and an independent commission.

Page 124 of the report contains a very significant observation—an observation that has not been referred to by the Government at this stage. It states:

In relation to the role of, and need for, outside agencies to assist investigations of serious corruption, consideration might first be given to the viability of setting up an internal dedicated unit (as described on page 1, along the lines of the NSW IPSU)... secondly, the concept of a commission against corruption, as demonstrated by the Independent Commission Against Corruption in Hong Kong, could be considered.

The NCA is recommending the same proposal which the Democrats are bringing forward in legislation in this Chamber in the next two weeks and which is in place in New South Wales. The National Crime Authority, in collaboration with which the Government is making its decision, has itself recommended consideration of an independent commission against corruption as well as the internal unit.

The Hon. C.J. Sumner: That's not right.

The Hon. I. GILFILLAN: What do you mean?

The Hon. C.J. Sumner: They said there is no need for a royal commission.

The Hon. I. GILFILLAN: You didn't listen to my earlier remarks. I am not advocating a royal commission, anyway.

The Hon. C.J. Sumner: They have recommended the establishment of what we have announced. That is their final recommendation.

The Hon. I. GILFILLAN: I am reading from the report which you tabled, and which contains their recommendations.

The Hon. C.J. Sumner interjecting:

The ACTING PRESIDENT (Hon. Peter Dunn): Order! The Attorney will have a chance to reply later on.

The Hon. I. GILFILLAN: I hope he will.

The Hon. C.J. Sumner: I don't think I will bother.

The Hon. I. GILLFILLAN: I hope you will. If the people of South Australia are not entitled to have a thorough debate on the matter, we will need to have suspicion about corruption in political circles as well. On page 125 of that same report, the commission offers to make available an officer who had previously been with the Hong Kong Independent Commission Against Corruption, so obviously the NCA has a high regard for the method of operation and the skills of people who have worked with that authority, and I hope that the Government is taking note of that offer.

Also on that same page is a comment from the authority which I think is significant in so far as I and others have been called on to produce evidence that has been given to us in relation to allegations of corruption in the Police Force and in other areas of the public sector. I have not taken those on at this stage, Mr Acting President, for various reasons. First, I do not have the competence to assess allegations to my satisfaction. I also believe that it has been more important for me to accumulate the argument that this independent commission be set up, rather than get myself embroiled in what may well be quite an endless task of talking to interviewing people about the authenticity of their allegations.

However, I have been convinced that several of the informations that have been provided to me are genuine, and I certainly intend to make them available in due course to those who can act on them but I make the point, because of the criticism levelled, that we had not brought forward the incidents that have been brought to our attention). The NCA says (at recommendation 12.8):

It is not enough in the authority's view simply to investigate in isolation allegations which arise from time to time; a pro-active approach is called for.

That is exactly the attitude that we, the Democrats, have to this whole matter.

I turn to the other document which the Attorney tabled yesterday, namely, a proposal for an anti-corruption strategy prepared by a project team under the direction of the Commissioner of Police. I found some very interesting observations in that. Honourable members may have noted that our legislation moves for a commission to deal with crime as well as corruption on the basis that we do not have an independent commission dealing with crime in South Australia and that, so often, organised crime and corruption are inextricably interlaced. Paragraph 1 of the introduction to this police document states:

Organised crime relies on corruption to retard the activities of law enforcement, justice agencies and other regulatory bodies.

On page 3 there is another comment relating to organised crime. Under the heading 'Causes of Corruption', the second paragraph states:

Areas of so-called victimless crimes, which include those criminal offences related to drugs, prostitution, pornography and gambling cannot exist without corruption. Traditionally this has been the province of organised crime which is known to have successfully infiltrated the criminal justice system. Organised crime has enforced its code by intimidation, extortion and murder.

They are very strong and powerful observations from the police report that organised crime and corruption are inextricably involved and should be dealt with together; and this is a recognition that it does exist.

On page 7 of this same document, we find a paragraph headed 'Corruption in the Public Sector and the Wider Community'. I remind honourable members that this is the report of our Commissioner Hunt in South Australia. It reads:

Corruption is a problem of the wider community, including public institutions other than the Police Department. Criminal activities such as illegal gambling, prostitution, illegal drugs and fraud generate large sums of money. Opportunities for corruption will always exist, and Police Forces will not be the only targets. Other criminal justice agencies, such as the judiciary, politicians, lawyers and accountants are all potential targets for corruption.

I think it is fair for us to accept as politicians that it is not only the police who are the potential targets for corruption and that, if we are to establish and maintain South Australia a clean State, no one should be exempt from any structure which is set up to look at corruption operating in South Australia. It should certainly not involve just the police.

On page 13, under the heading 'Increase Community Awareness', the report states:

One reason corruption continues and can flourish is due simply to general community ignorance of its existence. Underhand activities can be so well disguised that it is often impossible for a member of the general community to detect it. It should be of prime importance therefore to educate the community and to increase its awareness in this area. Community interaction with police is essential in obtaining information, and if the community was made aware of corruption and corruptive influences then the Police Department would have much more information with which to work.

I acknowledge again that that is a very revealing and helpful comment to add to the debate on what should be done constructively in South Australia. On page 14, a recommendation contained in the second paragraph states:

The South Australian Police Department is firmly of the view that the Police Force is the main anti-corruption institution in

this State. The role and operation of other organisations such as the National Crime Authority should be complementary to the police role and should not displace crime investigation by police.

This is, with due respect, a nonsense paragraph, and I am sorry that it is so clearly the view of the author of this that the Police Department should remain as the dominant entity in an anti-corruption campaign. It is quite ridiculous for that to be put forward, certainly by the Government if it is to be its way of operating. I was sorry to hear that the Deputy Premier indicated that the unit which was proposed in South Australia would be under the authority of the Police Department. We argue most emphatically that, if there is to be ongoing confidence in the integrity of an entity that is tackling corruption, it must be completely independent of the police and, as I will illustrate later, we are convinced that it should be answerable ultimately to this Parliament. Further on in the document is the following recommendation that was submitted for consideration:

That the Government accept that the level of corruption and criminality in the community is increasing.

There is a problem. It took a long time for those who were, for reasons I cannot understand, trying to portray South Australia as a squeaky clean State to admit that we have quite a serious problem in South Australia and that it will get worse. Here is the Police Commissioner's report saying the same thing, and we have to make positive firm steps to stop it in its tracks and reverse the trend.

In this same document is an anti-corruption strategy, and I read from page 1 about the formulation of an anti-corruption strategy as follows:

At present, the Police Department does not have an official policy concerning corruption. Therefore, it is essential to give high priority to formulating a strategy to identify and combat corruptive influences emanating from within and without the department.

What an incredible admission from a Police Force which claimed that corruption was minimal and under control; yet, in its own document, it admits publicly that it does not have an official policy concerning corruption. It is time that it gave it high priority. It is a pity that it did not take off in 1982 when the now Attorney-General was so keen to see a commission set up to look into the matter.

It is of interest to the Council to see that the material that was presented yesterday to defend the Government's statement can be shown to support strongly an argument for the establishment of something more independent, more detached and more reliable with regard to the ongoing independence of outside pressures than the Anti-Corruption Unit as proposed. I guess that the proposal that has been put forward by the Government is tentative at this stage. One assumes and hopes that the ministerial committee comprising the Attorney-General, Dr Hopgood and the Commissioner will be open to further debate and discussion on what eventually will be established in South Australia, whatever it is called.

I will now briefly run through some comments in relation to the legislation that I intend to introduce into this place in the next fortnight. I urge that a commission be established in South Australia based on legislation similar to that passed in June this year in New South Wales. It should include crime in South Australia for, unlike New South Wales, South Australia does not currently have any anti-crime commission. It is better for the State to have its own commission. The roles of corruption and crime eradication are inextricably linked and may as well rest under one head. We should not rely on Federal or interstate bodies to do our inquiry. We require our own State based commission.

Although the Fitzgerald inquiry in Queensland is disclosing much valuable material in combating corruption, any royal commission has the disadvantage of being able to be terminated, virtually overnight, by the Government of the day and it is also under the direction of that Government. A royal commission is set up by an Executive Order in Council by the Government of the day, which can determine the terms of reference and terminate the royal commission when the Government chooses, without debate in Parliament. In the case of the NSW legislation, the detailed definition of corruption is spelt out, and the Commissioner can only be dismissed by the passing of a Bill through both Houses of Parliament. Similarly that commission can only be terminated by a Bill passed through both Houses of Parliament.

As to the question of Government support for an independent commission against crime and corruption (ICACC), it is predictable that no Government wants to have a reputation for running a corrupt State; thus the opposition within this Government to set up any form of inquiry into corruption because it implies that all is not well in the State. A similar attitude prevails as far as organised crime is concerned. The Democrats hope that the Liberal Opposition in South Australia will see a need to establish an independent commission against crime and corruption because its political colleagues, the Liberal Government in New South Wales, introduced such a commission in that State.

The State Labor Government may take more persuading. To this end, I refer to a successful motion moved by the then Leader of the Opposition in the Legislative Council (Hon. Chris Sumner) on 6 April 1982. He argued successfully that a royal commission should be established with the following terms of reference:

(i) Review the findings of the internal inquiry into alleged police corruption and conduct such further inquiries as it may deem necessary.

(ii) Review internal police administrative procedures referred to by Sir Charles Bright.

(iii) Review the recommendations of the Mitchell Committee into Criminal Investigation and the Australian Law Reform Commission into complaints against the police in the light of its findings on police corruption, police/community relations and circumstances in South Australia at present.

(iv) Consider whether the Ombudsman or some other independent authority should have the power to investigate complaints against the police.

(v) Consider proposals to establish a permanent Crime Commission to investigate and advise on organised crime and corruption in the criminal justice system.

Although the motion was carried, no action was taken as there was an election and Labor came to power.

This move was prompted by allegations of corruption in the South Australian Police Force in 1982. It is not unreasonable to accept that the Attorney-General still has some sympathy for the establishment of a commission to assess allegations of police corruption and to establish a permanent Crime Commission. The Democrat proposal sees these two tasks fulfilled by the one entity, namely, the ICACC.

I will briefly outline the structure of this commission. Ministers, members of Parliament, the Judiciary, and the Governor all fall within the jurisdiction of the independent commission. It would have jurisdiction to investigate corrupt conduct occurring before the commencement of the legislation. However, in deciding whether to investigate a matter, the commission would take into account whether the conduct occurred at too remote a time to justify investigation.

The commission would have an independent discretion and would decide what should be investigated and how it should be investigated. The only matters that the commission must investigate are matters referred to it by resolution of both Houses of Parliament.

There will be specific provision in the Bill to allow the commission to refer matters to other investigatory agencies to be dealt with. That will obviously be the most sensible way to deal with the vast majority of matters that will come to the attention of the commission.

The commission will have very formidable powers. It will effectively have the coercive powers of a royal commission. Although the commission would be able to investigate corrupt conduct of private individuals which affects public administration, the focus is public administration and corruption connected with public administration. The coercive powers of the commission would be concentrated on the public sector.

Corruption is by its nature secretive and difficult to elicit. It is a crime of the powerful. It is consensual crime, with no obvious victim willing to complain. If the commission is to be effective it needs to be able to use the coercive powers of a royal commission. The commission would be required to make definite findings about persons directly and substantially involved. It would not be able to simply allow such a person's reputation to be impugned publicly by allegations without coming to some definite conclusion.

Senator Robert Hill, who has taken a very active and admirable interest in this, has had some concern about the Fitzgerald royal commission on the basis that it names some people who will carry the stigma of imputed wrongdoing, which is very difficult to erase. I have had discussions with people in Brisbane, particularly with the senior assistant counsel. I am given to understand that, in the early stages, private hearings are held and the commission can choose at that stage whether to proceed with any allegation. It does not move immediately into a public forum. A commission in South Australia would make a lot of use of preliminary assessment hearings before making public statements relating to people without there being very substantial backing to the allegations. The commission's activities would be monitored by a parliamentary committee. This committee will not be involved with specific operational matters, but will be concerned with looking at the overall effectiveness of the commission's strategies. The independent commission against crime and corruption would be constituted as a statutory corporation consisting of a single commissioner. The commissioner would have total direction and control of the commission. He or she could only be appointed for a term or terms totalling years and could only be removed from office by the Governor on the address of both Houses of Parliament.

The functions of the independent commission would include advisory and educative functions, and reviewing practices and procedures of public bodies. It will develop programs to assist public authorities and departments and will cooperate with the office of public management, the Auditor-General and similar bodies. The commission's primary functions will be to investigate allegations and complaints of corrupt conduct and organised crime.

The commission's jurisdiction covers all public officials. The term 'public official' has been very widely defined to include members of Parliament, the Governor, judges, Ministers, all holders of public offices and all employees of departments and authorities. Local government members and employees are also included. In short, the definition in the legislation has been framed to include everyone who is conceivably in a position of public trust. There are no exceptions and no exemptions.

I turn now to discuss the hearings of the commission. The commissioner or an assistant commissioner can also hold hearings in a similar way to a royal commissioner and with comparable powers. Hearings are to be held in public unless the commission is satisfied it is in the public interest that the hearing be held in private for reasons connected with the subject matter of the investigation or the nature of the evidence to be given.

The Commissioner would also be able to recommend to the Attorney-General that a witness assisting the commission be granted an indemnity. The Commissioner and only the Commissioner will have the power to issue a warrant for the arrest of recalcitrant witnesses.

Where the commission reaches the conclusion that corrupt or criminal conduct has occurred, it will forward its conclusion and evidence to the Director of Public Prosecutions, department head, a Minister or whoever is the appropriate person to consider action. In doing so the commission can make recommendations.

The person to whom the matter is referred is not required to follow the recommendations. The Commissioner can however require a report back on what action was taken. Where the Commissioner considers that due and proper action was not taken, the commission's sanction is to report to Parliament. It is important to note that the independent commission will not be engaging in the prosecutorial role.

I emphasise that the independent commission would be responsible to Parliament and not to the Executive Government. I believe that that is essential if we are to establish an entity that will have the substantial and overwhelming support and trust of the people of South Australia.

I refer now to the need for a proactive campaign to improve the way in which we deal with corruption and organised crime in South Australia. The argument about whether or not South Australia needs such a body no longer exists; no-one is arguing against the establishment of that entity. I was interested to read in the *News* tonight an exclusive three page report under the heading ' The Trouble Within', an interview by Rae Atkey with a senior Major Crime Squad officer. I will cite part of that article because it highlights some of my misgivings about the way in which we have handled this issue in South Australia. Regarding the Marafiote investigation, which commenced in 1985, the article states:

Q: Has that investigation been completed?

A: As you know two people were arrested at Mildura some months ago and charged with those murders. And, in that sense, it would appear complete. But the investigation really did unveil a large network of crime in this State.

I cannot disclose what is happening but I understand the investigations by the transferred officers are not fully complete. I understand that they had, for the first time, built up a great deal of intelligence in relation to the Mafia in this State and internationally, and that there have been recommendations submitted.

Q: What has happened to those recommendations?

A: I have not been able to find out. And, of course, I would expect that the officers concerned would now have great difficulty in liasing together to make any further or continued investigations.

Q: Were any of the transferred officers, to your knowledge, people who had indicated they would like to be moved.

That refers to officers being moved from that squad. The reply was: 'No'. The article further stated:

Q: Could the restructuring moves—

that is, the restructuring moves instituted by the Commissioner of Police in the Police Force whereby people were moved from units—

leave police more vulnerable to charges of corruption?

A: Yes. If you remove key persons from operational areas the remaining members will be lacking in experience and confidence.

They will be less able to recognise or stand up to and oppose the insidious corruptive influences police are continually subjected to.

This is particularly important to recognise because so often the pressure might be exerted by people in positions of influence.

Q: What exactly do you mean by 'corruption'?

A: I am referring to corruption in the sense that police in key investigative positions may be induced to actively participate or aid in organised crime by omitting to act on information or failing somehow to perform their duties.

That article emphasises quite clearly that we cannot rely on members of the Police Force being the upfront activists in fighting corruption in any area, particularly in the Police Force itself. Obviously, a unit of that nature would have an important role to play. The comments in that article added to the accumulation of evidence that indicates that that is not a fly by night occurrence and that this situation has occurred in South Australia highlight that there is no guarantee that, if we wipe out that sort of thing now, it will not re-emerge in various forms in the years ahead. As I said previously, sufficient evidence has been presented to me to make me feel quite uneasy about bandaid measures and assurances from people in Government, the Police Department or other sectors that there is no problem in South Australia.

I believe there is a crying need for an entity that is detached from government, the Police Force, or any public sector department to which people with allegations can go, safe in the knowledge that they will get an unprejudiced hearing by people who are competent to assess the seriousness of the allegations. That is why I have made this plea in my speech; it is probably appropriate to make that plea in an Address in Reply debate which deals with the State in an overall sense.

We must establish beyond doubt that South Australia is a clean State, one in which there is minimal corruption and organised crime. Unfortunately, I do not believe that that is the case at present, but it can be achieved—only if we move forward and establish a competent commission which is independent of any of the formal trappings of the public sector or government and which is able to hear allegations, to make recommendations and to act as the focal point of accusations that will be made from time to time.

Therefore, I urge members, and in particular the Attorney, whom I reminded of his enthusiasm in 1982 for a similar move, to keep an open mind. The ministerial committee should not close its mind at this stage to what can, or should be, done in South Australia to fight corruption and organised crime. So, I ask this Council to treat the whole matter, when it comes forward as a Bill, as an open question to be considered on its merits with the main aim being the good of South Australia—not political point scoring or reputation damaging or reputation saving. With those remarks, I support the motion.

The Hon. J.C. IRWIN secured the adjournment of the debate.

IMMIGRATION

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Council:

1. Affirms the principles embodied in the politically bipartisan approach to immigration and multiculturalism, which has existed in Australia since the Whitlam Government and has been supported by successive Liberal and Labor Governments—namely those of non-discriminatory immigration and integration of migrants into the Australian community through policies of multiculturalism.

2. Calls on the Federal Parliamentary Liberal and National Parties to reaffirm their previous commitment to these policies.

3. Requests the President to convey this resolution to the Prime Minister and the Leader of the Opposition in the Federal Parliament.

I move this motion in the hope that it will receive the unanimous support of the Council. I place it before the Council because it is fair to say that in the past 15 years or so, in this State and nationally, a reasonably bipartisan approach has been taken by the major political Parties to at least the principles underlying the immigration policy and multiculturalism—that is, the approach which is adopted to ensure that migrants feel accepted into the Australian community without rancour, bitterness or discrimination on the grounds of race or ethnicity.

Obviously, there have been differences of emphasis and views on specific policies within that broad bipartisan approach. However, I believe that the principles have essentially been bipartisan. I recall that when the Fraser Government was in power Mr Ian MacPhee was a very successful Minister for Immigration and Ethnic Affairs and, at times, involved the shadow Minister, Mr Mick Young, in discussions on policy and at functions. I believe that the earlier Minister, Mr MacKeller, indeed did what he could to promote a bipartisan policy.

Since the election of the Hawke Government, I think the successive Ministers have also reaffirmed their view that there should be bipartisan principles operating in this area. At the State level, the recently retired Liberal member of this Council, the Hon. Murray Hill, and I have, I believe, also espoused those general principles on a bipartisan basis, while still reserving the right, as we did, to disagree on particular means of implementation of those policies and on specific programs that might have been suggested within the context of those general principles.

A Liberal Prime Minister, Harold Holt, initiated the first changes to the White Australia Policy. They were limited changes but, nevertheless, were important given the fact that that policy had been in existence for several decades before that change was initiated.

With the advent of the Whitlam Government, a completely non-disciminatory immigration policy was introduced into Australia and the remnants of the White Australia Policy were removed. At that time there was also espousal of the view by the Whitlam Government, with the initial Minister of Immigration and Ethnic Affairs, Mr Grassby, that it rejected assimilation and promoted integration and multiculturalism as the right of all Australians to their ethnicity and language within the context of the Australian nation.

The Fraser Liberal Government, elected in 1975, continued those general principles and was most noted in this area for establishing the so called Galbally report which provided information on services related to multiculturalism and led, of course, to further support for ethnic broadcasting and the establishment of SBS Television. Following the election of the Hawke Government, again the policies, in the broad, continued on a bipartisan basis. There is now an Office of Multicultural Affairs within the Prime Minister's Department and it is developing an agenda for a multicultural Australia.

First, I will address the question of non-discriminatory immigration. Australians have now rejected an immigration policy based on race since the demise of the White Australia Policy some 20 years ago. While rejecting an immigration policy based on race, there is nevertheless room—and the bipartisan approach does permit this—for arguments about the mix of immigration intake between skills, business migration, family reunion, occupations in need or humanitarian and refugee considerations. However, in the final analysis, while a non-discriminatory immigration policy

permits arguments about the appropriate mix, if the criteria are met by an intending immigrant to Australia then that person qualifying should be admitted irrespective of the race of the person.

Race or ethnic origin ought not to be a barrier to entry to Australia. Unless we are going to close our doors to the world and become a sort of antipodean Albania, we have no choice, it seems to me in the modern world, but to adopt this policy. While we continue, as I am sure we will, to accept immigration in large numbers (at present the figures projected are 150 000), we have little choice but to do that on a non-discriminatory basis.

Apart from the principle of equal rights involved, Australia cannot turn its back on the world. Our economic destiny will continue to be tied up substantially, although not exclusively, with the Asian Pacific region. I agree with those commentators who see a retreat from a non-discriminatory policy as having a detrimental effect on the trading and economic relations we have with the nations of our region.

There has been in recent years an economic revolution in countries such as Singapore, Hong Kong, Korea and Taiwan. They are now being challenged by countries such as Malaysia and Thailand. As has been pointed out, for instance, by Max Walsh in the *Sydney Morning Herald* on 8 August 1988, under the heading of 'Will we become the poor white trash of Asia?', even if the migration policy was altered away from family reunion to skills, this is unlikely to result in fewer Asians because of the increasing prosperity and skill levels of those countries. Mr Max Walsh put it in these terms:

> There is the frequently stated assumption that, if we were to change the immigration mix to admit more skilled applicants as distinct from those coming here on the basis of family reunions, then we would skew the mix back towards a greater European bias without having to confront the difficult question of race.

Mr Walsh disputes that assumption. But the most important fact that Australians must consider is that we cannot turn our backs on the success of those nations and the success of our region by espousing immigration policies based on race. It seems somewhat curious to me that many critics of non-discriminatory immigration and multiculturalism tend to hark back to what they see as the desirable days of the values as expressed in Australia in the 1940s. They forget that much of the special relationship between Britain and Australia has gone, not by Australia's choice but by Britain's choice with its entry into the European Economic Community in the early 1970s.

It is even more curious that this attitude should be adopted by the critics of non-discriminatory immigration and multiculturalism when one considers that the United Kingdom at the present time is moving rapidly towards full economic and social integration and, I suspect, ultimately political integration with Europe; that is, the United Kingdom is moving into one of the largest multicultural political entities in the world. By 1992 there will be no barrier to trade or movement within the European Economic Community. Our multiculturalism in this context should enable us to build bridges with Europe, not just through the United Kingdom, which, of course, will remain important to Australia, but through the many other countries who now have former citizens who are Australians. I mention Germans and Italians to name but two.

If some of the opinion polls are correct in saying that 70 per cent to 80 per cent of Australians are in favour of wanting less immigration from Asia, I believe this will be achieved only by reducing the overall immigration intake. As I have said in supporting Max Walsh, the *Sydney Morning Herald* commentator, it is unlikely that fiddling with the mix of migrants will of itself reduce the number of Asians. It is perhaps possible that, with a significant reduction in the refugee category, and in particular the refugee category from Indo-China, there could be some reduction in the rate of Asian migration. However, this would have international ramifications in our region and would also have to be carefully considered by Australia, and in any event it is unlikely to result in a cessation or a significant reduction in Asian immigration in the long term.

If we accept that immigration at current or increased levels is desirable in economic terms, then, no matter how the mix is changed, it is unlikely to result in a significant or indeed any reduction in Asian migration. It is reasonable to assert that the notion that migration is desirable in economic terms is the prevailing view in Australia, at least at the economic level, and is indeed the prevailing view from both the Right of the political spectrum and the Left in the form of the Labor Party.

As far as the Right of the political spectrum is concerned, it is probably worthwhile referring to two persons who I suppose would come within the category of the so-called New Right. First, Mr John Hyde, a former Liberal member of Parliament and Executive Director of the Australian Institute for Public Policy. In the Weekend *Australian* on 5-6 December 1987, he stated:

> One definition of culture is the sum total of ways of living built up by a group of human beings, transmitted from one generation to another.
>
> If multiculturalism is to want many such cultures in Australia, I am an unashamed multiculturalist. When Senators Sheil and Stone said we should exclude non-English-speaking migrants I believe they were barking up the wrong tree.

More recently, a person who I understand is also identified with the New Right and who worked with the Federal Leader of the Opposition (Mr Howard) is Dr Gerard Henderson, a director of the Institute of Public Affairs in New South Wales. In an article in the *Australian* headed 'Reminder of a folly past' dated 15 August 1988, he stated:

> I doubt any Australian Prime Minister would actually take a decision to enact a form of Asian migration quota system. The cost for our standing in the Asia-Pacific region, not to mention our trade prospects, would be too high.

Those two commentators, who are associated with the New Right and with the Liberal Party, have espoused the views of a non-discriminatory immigration policy and multiculturalism. I therefore assert—and I think correctly—that at that level there is an acceptance that migration to Australia will continue and that it is desirable in the interests of the Australian economy. Bipartisanship then continues to exist on the desirability of immigration to Australia at a level of about 150 000, which is the level that is currently projected.

It seems to me that at this stage the Liberals and the Coalition generally at the Federal level must now take a position. It is not satisfactory for Mr Howard, the Liberal Leader in the Federal Parliament, to say, as he did, that Asian migration should be slowed a little; then to say that the policy would remain non-discriminatory; then to have Mr Cadman, the shadow Minister of Immigration and Ethnic Affairs in the Federal Parliament, say that the change could lead to either an increase or decrease in Asian migration; and then to have their coalition partners in the National Party, Mr Sinclair and Senator Stone, say that the policy emphatically means a reduction in Asian immigration. It is incumbent on Mr Howard, and the Liberal Party particularly, in the interests of Australia to resolve these issues as soon as possible.

I now turn to the second concept that my motion deals with, that of multiculturalism. The question is often asked: what does it mean? It is often said that it lacks definition, and I would accept that there is some confusion in the

general Australian community about what it means. But, I believe that the challenge is not to denigrate the notion but to explain it and to give substance to it; and I will attempt in what I have to say this evening to give some substance to it and to give what I believe ought to be an acceptable definition of it.

First, I wish to ask whether the opponents of multiculturalism—those who criticise it for its lack of definition—have ever turned the same critical analysis to other concepts which have been central to most debate about political ideas in the past two centuries. Liberty, freedom, equality, fraternity, social justice, capitalism, and socialism are not given to precise scientific definition. In international terms the differences of opinion on what they mean in practice are enormous, and even within liberal democracies can be significant. Within Australia there is a general consensus on the broad meaning of these ideas, and whether liberty, freedom, equality or social justice is enhanced or restricted by particular Government action is part of day-to-day political debate. But even in a consensual democracy, such as Australia, there are many differing views on what these fundamental concepts to our political process mean.

The idea of liberty, for instance, in its relationship to censorship in our community is a live issue within Australia and is very much the subject of debate and discussion. The limits of economic freedom are often the subject of debate in our Australian community. Further, I would ask the critics of multiculturalism and its definition to try defining patriotism or any other of the political isms of our time.

It seems to me that it is not possible to precisely define them, but it is possible to indicate what they are in broad terms and to say in an individual's view what they mean—what is constituted by the phrase and what is not constituted by it. To me, as someone who has been involved in this area for the past 13 years, since my election to Parliament in July 1975, multiculturalism has always, in my espousal of it since then, involved, first, a commitment to Australia—its democracy, its parliamentary system, the rule of law, basic human rights and, importantly, the English language. Secondly, within that commitment, as part of the Australian nation, it has involved the right of individuals to maintain their own heritage, culture and language.

Multiculturalism defined in this way, then, is, first, consistent with democracy and basic human rights. We cannot, in a democracy, say that individuals do not have a right to express their identity in a free society. Secondly, multiculturalism is not about creating divisions but about ensuring that migrants are made to feel part of Australian society. It is emphatically not about separate nations or ghettos within Australia. In fact, the policy is to ensure that this does not happen. Ghettos occur where there is repression, not acceptance—where people are alienated.

Multiculturalism is about ensuring that migrants have access to the mainstream, and indeed are a part of it, so that their attributes, individual talents, language and culture are seen as a natural part of Australian society. Multiculturalism seeks to achieve social harmony and cohesion through a policy of interaction between people of different cultures, and including them as part of a society, rather than creating divisiveness by alienation, placing migrants at the margins of society and excluding them from decision making.

Thirdly, multiculturalism does not drive immigration policy. We do not have an immigration policy because there is some predetermined view that a particular multicultural mix is inherently desirable. Australia's immigration policy should reflect our natural interests, based on economic, social and humanitarian considerations. The reality is, however, that what has been determined as desirable immigration policy in Australia's economic interests over the past 40 years—that is, mass migration—has produced a reality which is a society composed of peoples from virtually every nation of the world, speaking many different languages and having a diversity of ethnic and cultural backgrounds; that is a multicultural community.

Fourthly, there is no reason why this multicultural reality should not be turned to Australia's advantage. We have an enormous resource in language which should be enhanced to Australia's economic benefit. Assimilation of the 1950s and the 1960s said, 'Forget your languge of origin; learn English, and, if you want another language, we will teach you French and German in our schools.' Assimiliation, with its overtones of colonial Australian superiority, and its implied belief that somehow the British Empire would continue to rule the waves, was part of a colonial hangover which meant that we did not adapt to the changing world reality as early as we should have.

On the question of the economic aspect of multiculturalism, in a speech that I gave to the Federation of Ethnic Communities Councils of Australia at their annual conference in Adelaide on 5 December 1986 I said (and I still believe that it is valid in this debate):

> Our community as part of the world faces new circumstances, new challenges. In this, multiculturalism has a crucially important role to play. Our diversity should not be seen as something negative nor as just something which we can enjoy in Australia, but a positive factor in developing our trading, economic and other relations with the world.

Fifthly, multiculturalism does not mean giving advantages to migrants or people of ethnic minority origin. It does, however, involve promoting equality of opportunity for all Australians, even if they have to come from overseas and are of non-English speaking backgrounds. In pursuit of this aim, multiculturalism means, for instance, adequate attention to the teaching of English, but also proper language services for those who are unable, for one reason or another, to properly master English. It means services in welfare and health which take account of the different backgrounds of our citizens. It means ensuring, for example, in the area of the arts, that adequate consideration is given not just to establishment arts or to folkloric expressions of the ethnic arts but to those individuals and groups who through literature, music, theatre, painting, sculpture and so on are giving expressions to ideas and feelings in our contemporary, diverse Australian community. In education, multiculturalism means developing a more diverse language culture than has existed in Australia hitherto.

It seems to me then that multiculturalism, as I have defined it, provides a policy for ensuring the harmonious integration of migrants into Australian society. If migration is to continue at the levels of 150 000 or so, we will, unless we revert to an aggressively discriminatory immigration policy, have a multicultural Australian community. We have it as a reality; we should explain what is expected to Australians of all backgrounds as part of that national reality and indeed use it to our economic benefit.

In summary, then, it seems to me that multiculturalism is: *(a)* a social policy which embraces all Australians regardless of colour, ethnic background, sex or religion; *(b)* ensures not only that all Australians enjoy social, political, and cultural freedom but also that they exercise their equal share of responsibility for the country's wellbeing; and *(c)* does not support or encourage cultural division but advocates an acceptance of difference and aims to provide all Australians with a choice regarding which elements or aspects of their cultural heritage to preserve. Through this process it seeks to achieve social harmony and cohesion.

(d) It encourages all Australians to learn from each other by an acceptance of cultural diversity. These cultures will be dynamic and changing, and undoubtedly influenced by the broad Australian experience.

(e) Policies of multiculturalism should encourage people to make a commitment to Australia and being Australian. This is easier in an environment where migrants of different backgrounds feel accepted. They are unlikely to feel committed to Australia if they are surrounded by hostility. There is no conflict between multiculturalism and being Australian. Part of Australia's national identity involves cultural and linguistic diversity. This is a reality where immigration is, as I suspect it will remain, a consistent, strong, and permanent feature of our heritage.

(f) Multiculturalism is not about positively discriminating in favour of migrants at the expense of other Australians. It is about ensuring a fair go for all, about achieving a fairer society, and about providing a fair share of the country's resources to all Australians.

Most migrants feel that the policy of assimilation discriminated against them when that policy was in effect in the 1950s and 1960s. Multiculturalism has helped to remove those discriminatory barriers which existed. It is about developing equal opportunity for all.

I know from my personal experience, as I am sure that anyone who has mixed with groups of ethnic minority origin will know, the many anecdotal stories about the sorts of discrimination, repression and hostility that existed during their early days in Australia. With the espousal of multiculturalism as a policy for Australia in the early 1970s I know they felt that a great burden had been lifted from them and that they were able to walk tall in the Australian community and feel genuinely a part of our nation.

(g) Multiculturalism is an economic asset which should assist Australia's economic development and prosperity.

What I have tried to do is to outline broadly what I understand to be a reasonable and acceptable definition of multiculturalism. These broad ideas espoused in that word should provide a basis for Australia's future social development. They are consistent with democracy and our basic values of freedom, equality of opportunity, and social justice. They ought to enhance Australia's capacity for greater economic prosperity.

The logic of people who oppose Asian immigration or reject multiculturalism is inevitably towards no immigration. For reasons I have outlined, we cannot in today's increasingly integrated world have an immigration policy based on race. If we have immigration, as I have argued we almost certainly will have in reasonably large numbers in the forseeable future, then we have multiculturalism as a reality. We also must, it seems to me, have it as a policy to ensure that people become part of this country and not alienated from it.

If we do not give people the right to express their own identity and ensure that they are treated equally in Australia then we have a recipe for conflict and division. Multiculturalism is a policy which enables people to become Australians without repression and bitterness.

Madam President, I believe that what I have outlined is a general approach to these issues which ought to be accepted by the Council and which would, if accepted, lead to a return to the bipartisan approach. I believe the Leader of the Opposition, Mr Howard, has got himself into some significant difficulties within the community and within his Party, which need to be resolved. I believe that when he made his statements about 'one Australia' and about Asian immigration, he did not really think through what he was saying and the implications of what he was saying for our nation. I would ask Mr Howard to return to the sorts of views he expressed in what has become referred to by the commentators as a speech that was well regarded in the Federal Parliament in 1984 when this issue was debated. On that occasion in the Federal Parliament, he said:

> I supported the policies of the former coalition Government which were humanitarian and liberal in the true sense of the word. We were prepared to take the Labor Party's generous support for people from war-torn parts of south-east Asia. We were prepared to preach tolerance and liberalism.

I trust that if this motion is passed, it will enable the Liberal Party to assert its position, and I trust will enable the Leader of the Opposition in the Federal Parliament to clarify what he meant and to ensure that the Liberal Party at least has a coherent philosophy in this area, and hopefully a bipartisan one, and that they can bring their coalition partners, the National Party, with them.

It seems to me that the challenge in this area is not to change the labels, as the Fitzgerald report tried to do by talking about cosmopolitanism instead of multiculturalism, apparently not realising that 'cosmopolitanism' is a word or concept that really has as its basis commitment to no nation or no individual nation or group, but talks about internationalism. It seems to me that there is no particular merit in that word over a word such as multiculturalism which has been used in this community in recent times. It seems to me that the challenge is not to change the labels with such words as 'cosmopolitanism' but to give substance to the word 'multiculturalism', which simply means many cultures.

Obviously we must recognise the concerns of many Australians and, in recognising those concerns, get out to ensure that the concept of multiculturalism is explained to them and, if it is explained in the way I have tried to outline this evening, I would hope that it is non-threatening to the general Australian public. It is incumbent on Mr Howard and the Liberal Party to clarify their position in future as soon as possible.

It might be worth noting in this debate one of the things that I found most interesting in a speech given by the Prince of Wales at the bicentennary celebrations in Sydney earlier this year. His speech referred to this question of what sort of society Australia is, and he referred specifically to Australia as an international society. I think there is little doubt, because of the immigration that has occurred in the last 40 years to our nation, that we are now an international, that is, multicultural society and ought to be able to use that to our benefit. I believe that we can do that through the sort of bipartisan policies that we have had in this nation over the past 15 years. I believe we can do it by accepting the concept of multiculturalism as a valid one for the Australian nation, defined as it has been this evening, and indeed by many others on previous occasions.

I have attempted this evening not to speak at great length but to deal in my contribution with principles and not with personalities, and to do it in what I hope is a constructive and non-confrontationist way. I believe that the principles that I have espoused deserve bipartisan support. As Australians, we really have very little choice but to assert the bipartisan principles of non-discriminatory immigration policy and multiculturalism. I hope that this motion, expressed in these terms, will receive the unanimous support of this Council.

The Hon. L.H. DAVIS secured the adjournment of the debate.

OMBUDSMAN ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: With the indulgence of the Committee, I will respond to the queries raised by the Hon. Mr Griffin during the second reading debate. The Hon. Mr Griffin asked what evidence there is of a person hindering or obstructing another in making complaint to the Ombudsman. The Ombudsman advises that this evidence has been furnished by a number of complainants themselves although, obviously, full details are confidential. So, to that extent it is largely anecdotal. In the last financial year, up to three or four instances were brought to his attention.

The Hon. Mr Griffin also asked who are responsible for hindering complainants. It is apparent that there is a mix, that is, officials in both government departments and local government. Some complaints have arisen against correctional services officers where inmates in the Adelaide Remand Centre and prisons may have been dissuaded from proceeding. Several of these complaints are still subject to investigation; therefore, I cannot comment further. The Ombudsman is afraid that complainants will not approach him unless their liberty to do so is guaranteed or at least enlarged. Some timid complainants simply may not come forward unless they receive legal protection. He also notes that this appears to be an Australia-wide phenomenon which concerns his interstate counterparts as much as him.

The Hon. Mr Griffin also asked about what constitutes the offence. I agree with his analysis that *bona fide* advice that the Ombudsman cannot help in a particular instance would not constitute prevention, hindrance or obstruction. However, if a public official or local government officer advanced an unacceptable disincentive to the making of a complaint, for example, that the complainant would receive less than good service in the future, in my opinion, an offence would be committed. However, if the advice is sound, reasoned and in good faith—and not prompted by malice or bad faith—no offence would be committed.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill read a third time and passed.

ACTS INTERPRETATION ACT AMENDMENT BILL (No. 3)

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: With the indulgence of the Committee, I will make some comments on this clause in relation to the contributions of the Hon. Mr Griffin and the Hon. Dr Ritson. Their principal concern with this measure is that a Government could refuse to proclaim a section of a Bill with which it did not agree if it was inserted as part of a compromise at a conference. While I suppose that that is technically possible, it seems to me that it would be a very brave Government that decided to take such a course of action.

At present, where there is a proclamation clause in a Bill which subsequently becomes an Act, it would even now be possible for a Government not to proclaim the legislation and that could be criticised as flouting the will of the Parliament at the time. A number come to mind where proclamations to bring into effect the operation of an Act have not been made. The Debts Repayment Act has languished since 1978, unproclaimed through successive Labor and Liberal Governments. Clearly the Parliament will have to address that Act reasonably soon because it is undesirable to leave Acts in place if they are not to be proclaimed. From time to time, Acts of that kind have not been proclaimed.

Where an Act is passed in one Parliament and another Government is elected, there would be occasions where the incoming Government has not proclaimed a new Act. If that is the case, it is incumbent upon the Government to bring back the Act to Parliament to be amended if that Government is dissatisfied with it as it was passed by the Parliament. However, if the circumstances outlined by the Hon. Dr Ritson and the Hon. Mr Griffin occurred, whereby a Government using this consequential proclamation clause in the Acts Interpretation Act did not proclaim a particular part of an Act it was unhappy with—that part might have been inserted as a compromise—there would be significant political sanctions. A Government that adopted that course of action would leave itself open to severe criticism, and I really cannot imagine circumstances in which it could do that in practical terms and not be censured by the public.

Certainly, if the Government did that the Parliament would have the opportunity to reconsider the matter; certainly, it would not be left without debate. Ultimately, we must rely on the good faith of Government, but I believe that that good faith would be jogged along significantly by the political consequences of the use of this sequential proclamation provision in a way that was not intended by the Parliament.

Clause passed.

Clause 2 and title passed.

Bill read a third time and passed.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 277.)

The Hon. J.C. IRWIN: I am pleased to support the Address in Reply to His Excellency the Governor on his opening of the Fourth Session of the Forty-Sixth Parliament and I reaffirm my loyalty to Her Majesty the Queen. I take this opportunity to welcome my new colleague, the Hon. Julian Stefani, to the Parliament. I commend him on his maiden speech. I know that he has a great deal to offer the people of South Australia. Indeed, his work for the people of South Australia has already been rewarded with an Australian Order amongst other distinctions.

I join His Excellency in expressing my sympathy to the family of the former Governor of South Australia Sir Douglas Nicholls on his death on 4 June 1988. I congratulate the three new Ministers of the Bannon Government and, regardless of the many political differences I may have with the three Ministers who retired from their positions, I recognise their sacrifice and commitment to the State.

Everyone has a hero, perhaps even two, during their lifetime. One of my heroes died in November 1987. His death in Sydney went practically unnoticed in South Australia for some inexplicable reason, and therefore I take this opportunity to briefly record the life of a very great and distinguished Australian, the Right Honourable Sir Victor Windeyer, KBE; CB; DSO and Bar (one of those DSOs was conferred at the siege of Tobruk and the other at El Alamein); ED; MA; LLB; Honorary LLB, Sydney; Honorary FRAHS; Honorary Bencher the Middle Temple, London;

Justice of the High Court of Australia from 1958 to 1972; and Deputy Chancellor, University of Sydney from 1955 to 1958. Sir Victor was admitted to the Bar in New South Wales in 1925 and was made a KC in 1949 and a Privy Councillor in 1963.

Sir Victor Windeyer's very special link with South Australia was forged during the Second World War. He raised and commanded South Australia's most famous battalion in the Second World War, the Second Forty-Eighth Battalion of the Second Australian Infantry Forces which, of course, saw service in Tobruk where no fewer than four Victoria Crosses were awarded to members of the battalion. As a brigadier Sir Victor commanded the Twentieth Infantry Brigade from 1942 to 1946 with service in campaigns at El Alamein, the capture of Finschhafen, New Guinea, and Borneo. Sir Victor Windeyer returned to South Australia frequently to lead his famous battalion at many Anzac parades. He was made a Major General in 1950. He was a member of the Military Board from 1950 to 1953, a director of many companies and author of a number of books on the law.

Sir Victor's war record is of quite outstanding gallantry and performance. He was a most distinguished soldier and jurist, and was one of the outstanding Australians of his generation. I have no doubt that those who knew Sir Victor well or who served with or under him in war and in peace were greatly saddened by his death. I am only sorry that the people of South Australia were not made properly aware of this great man's outstanding contribution to the traditions of South Australia. I hope that in my small way, now nine months after his death, I can make more people aware of one good person's life.

A lot of water has flowed under the bridge, so to speak, since we last had an opportunity to discuss in this Parliament matters of public concern and interest. People say that one day is a long time in politics, but let us try something like four months as being an extremely long time. I intend to comment briefly on a number of matters that have occurred since we last met. First, I refer to point 11 in His Excellency's speech, as follows:

> My Government is also encouraged by the record level of development within the Adelaide central business district where major projects will continue the upgrading of facilities available both to local residents and to the growing tourist industry.

I have often said that no matter how good tourism is for South Australia it, in itself, will not turn South Australia into a flourishing State. The so-called building boom of recent years has shown, all too clearly and with all too much cost to people trying to borrow money, that artificially contrived booms do not work for the long-term benefit of Australians or South Australians. They mask the market signals. The so-called record levels of development within the central Adelaide business district will not cause the State economy to take off. Why is that? It is because, as good as house building is, Adelaide central building district construction, in other words, offices, retailing and service industries, and tourism are, this is not based on a sound foundation of productivity and competition. It is based on Government decisions and not on market forces.

House building is subsidised, to a degree, in one form or another. The central Adelaide business district buildings are, to a great extent, built by, or for, Governments. I refer, for example, to the ASER development area, the Casino, hotel, convention centre, and office block; and soon we will have the commencement of an exhibition centre. We have the STA building, the State Bank building, the Commonwealth Government building (one of the largest in South Australia), the Topham Street building built for local government, the TAFE building in Hindley Street, and the new Health Commission building on the corner of Pulteney Street and Rundle Mall; and so the list goes on. I must admit that I have done very little research into the number of buildings that have been built recently and the percentage that are Government dominated. However, one can see from that list, especially if one looks at the skyline of Adelaide, how many buildings are, in fact, winched right back to the Government.

Where, in all this, is evidence of large and small factories being built around South Australia? I can extend that theme to other areas: power is generated by the Government, transport is provided by the Government, the Grand Prix is largely Government, the proposed Mount Lofty cable car project is sponsored by the Government, and tourist facilities in our parks will be Government sponsored. The *Island Seaway* is a classic case of the Government at its worst. I will leave it to members to decide if this project ever deserves credit. Time will tell.

I give great credit to Marcus Clark, State Bank Managing Director, for his powerful, honest and courageous comments reported in the *Advertiser* of 12 August. It is about time someone of his stature stood up to be counted, even though what he said, as reported in the *Advertister* last week, was in direct contrast to the comments that he made about a week before. In his most recent comments Mr Marcus Clark attacked South Australia's poor investment climate and called for a summit to encourage State development. I hope by 'State development' Mr Marcus Clark includes the building of factories and the encouragement of small business, medium sized business and rural industries. These areas are where the wealth and health of this State are generated and one ignores them at one's peril.

I put it to the Council that the State Government is ignoring those areas at its peril. One does not bleed them to death: one encourages them. What this State needs is not a summit but a climate provided by Government where private enterprise, private endeavour and innovation can flourish. If anyone needs an example of that there is my new colleague the Hon. Julian Stefani and his ability in the business area as a self-motivated and self-made man.

This climate is definitely not provided by State and Federal Governments or local government taking it unto themselves to do the spending and taxing hell out of everyone to pay for it. The runs are not on the board. Even those who do not want to see this must concede that the artificial zoom, glitter and razzle of the past six years has come to nothing. Mr Marcus Clark and others have said that loudly and clearly.

People of public standing and substance are telling this Government and the people of South Australia that it has to find another way. Summit or no summit, this Govenment will not find another way. It will go on turning the socialist screws because of its hatred for profits and individual enterprise. It remains to be seen whether the true private builders and developers in this State have the courage to come out in the open and speak their minds. I am concerned that they are so over the barrel by union pressure and muscle and the State Government being the prime developer, that they dare not speak out for fear of losing contracts.

My father, once a leading Adelaide architect, retired early from his profession because he was sick to death of having concrete pours stopped halfway through a job. The cost of the project and the mindless waste was too stupid to continue fighting. This sort of thing drove people from South Australia 15 years ago. I have no reason whatsoever to think that anything has changed. Mr Marcus Clark only adds to my concern. The socialisation of South Australia is

proceeding. 'South Australia Incorporated' is in place. All it needs is the name, and we will be on a par with Western Australia. The doctors are speaking out, and I hope that the builders and developers will do likewise.

As chance would have it, there was a report in the *News* today of comments made by Herb Elliott, one of Australia's greatest athletes and leading businessmen. He has spoken out, and his comments on competition apply to business just as much as they apply to sport. The *News* report states:

Elliott is vehemently critical of a Government that decries competition and will not spend enough money to prepare its elite sportsmen for international events—

The Hon. C.J. Sumner: You want the Government to spend money.

The Hon. J.C. IRWIN: I am not making that point.

The Hon. C.J. Sumner: What point are you making?

The Hon. J.C. IRWIN: I am making the point about competition. Thank you for listening.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. IRWIN: I am not asking for that; I am quoting Herb Elliott. It is not me asking for it and it is not the point I wish to make.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. IRWIN: It is not John Elliott: it is Herb Elliott, who is an athlete. The article goes on:

yet discredits sportsmen when they do not perform to expected standards. The man who retired after winning Olympic gold in the 1500 metres at the Rome Games said Australia led the world during his era because its population encouraged competition.

'When I was running, other countries were not spending, and we had the advantage,' Elliott said. 'Australia had the natural environment, a life of competition, pride in competition and achievement. But a change in government attitude has reduced the increase in funding to one-hundredth that of overseas competition. Now, in other countries, sport is encouraged at all levels, and athletes subsequently develop tough competitive spirits. Competition is not a dirty word as it seems to be in Australia.'

I turn now to paragraph 21 of His Excellency's speech referring to the establishment of health and social welfare councils. I turn my mind back to the latter years of the Corcoran Government when the present Premier was Minister of Local Government. The policy at that time was to seek to set up Community Development Councils. There is no question that the ALP sympathisers have a poor record in local government. By setting up Community Development Councils the then South Australian Government thought it could find a way around that problem by encouraging what in effect would be an alternative. They had the name 'council', and they could deflect Federal personal income tax sharing grant moneys for these councils to play with. There was a furore surrounding the name 'council', so that was eventually dropped and the Community Development Boards became the fashion.

For reasons I have never been able to follow, my friend and former colleague, the Hon. Murray Hill, took over the Community Development Boards when in office from 1979 to 1982. For many obvious reasons, these boards did not ever flourish and few remain today. They duplicated existing representative arrangements in districts. They had little or no money; they had no money-raising powers; they had no real charter; and they could not really carry out the ideals that they hatched. So, now we find ourselves in 1988 with a movement towards health and welfare councils. What a load of nonsense this is!

First, in my recent local government experience five years ago, I witnessed the destruction of local health committees run by local people who knew, who cared and who were prepared to work for their community. They were destroyed. The work of these valuable local people was taken over by paid people under the direction of the local hospital board. In turn, they took their direction from the Administrator on behalf of the South Australian Health Commission. This small but important example I am sure was duplicated throughout South Australia, particularly rural South Australia. What a sham now to turn around and start again trying to involve local people. What is the agenda? I have no doubt at all that this is one more movement by this desperate Government towards regions. It will in time be matched by the not too subtle encouragement of local government to become regionalised. That might be tried if the referendum question receives a 'Yes' vote, and thank goodness local government is waking up to this trick. More importantly, the people who pay the rates are waking up to this trick.

The other three questions, if passed, will dramatically alter the face of Australia. Thirty-three changes to the Australian Constitution are hidden behind just four sugar-coated questions. The Government might try it if local government falls for the argument being presented by the Government through the South Australian Centre for Economic Studies.

The Government's initiative for health and social welfare councils was first presented publicly in June by the former Minister, Dr Cornwall, although I had heard it floated some months previously at a regional local government meeting in Coonalpyn. The heading of the *Advertiser* article of 14 June intrigues me.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: Well, it first hit the headlines with me on 14 June under the heading 'Cornwall launches plan to give people a say'. What a laugh that is! The people have been having a say, but who is listening to them? We heard the Minister of Local Government last week trying to answer a question on the referendum and saying that the Government is listening to the people and they want the local government question to pass. Well, I have already said that there are huge cracks in that argument and support is crumbling quickly. Did this same Minister listen to local government on the question of minimum rates? Nearly 100 per cent of councils wanted to retain minimum rates and the Minister turned her deaf ear.

'Let the people have a say,' says the Government. Did the Hon. Dr Cornwall, during his interregnum as Health Minister, listen to the people about the closure of country hospitals? No, of course he did not. Why should we think that the Bannon Government now will listen to the people if it has not yet done so? On 14 June the Hon. Dr. Cornwall said, 'Up until now there have been few openings for direct community involvement in health and welfare planning and decision making.' In country areas, the former Minister and his Health Commission, as I have already said, destroyed community groups with a direct interest in providing health and welfare services. The volunteers have been driven away.

I was responsible for setting up a community group in my area to look at social and welfare problems. These problems had first manifested themselves in the deaths of six young people from road accidents in the space of just over 12 months. This community awareness group did a sterling job for a couple of years until it ran out of steam, and so, thankfully, did the road accidents, but that is no excuse for any community, particularly rural communities, to be complacent about what could be termed anti-social behaviour in their own areas. I am proud to say that most of them in most country areas look after their own problems. What arrogant, strutting nonsense we were getting from the former Minister. Why could he not consider the bodies already set up in various communities? Let us hope that the new Minister will scuttle this silly plan.

Local government has already set up, elected and employed people. It has health committees and a local board of health.

If this Government had not done its darndest to emasculate local government health responsibilities, it could easily have encouraged this area to expand and provide all of the advice that the Government would require. Then we have the local hospital boards, but there again they have been so castrated by this oppressive Government that all they are good for now is pruning budgets. Why not give them the responsibility of properly looking at the health and welfare needs of their communities and giving appropriate advice to the Minister?

Most communities already have health and welfare bodies set up. Mine at Keith was set up in the Whitlam years. Certainly it looks after the welfare of the older people, but what in heaven's name would stop this body expanding to include the young people's health and welfare as well as give advice to the Minister? I am mystified about how this Government can waste so much time, energy and money in chasing ill conceived ideas and at the same time seeking to duplicate what is already there, when the health system is crying out for money to be spent wisely and properly. Let us hope that this idea of health and welfare councils, with membership made up of anyone living or working in the region—and that is taken from the same article—fades quickly into oblivion. Ask the people, certainly, but listen to what they say.

People having a say is very much the name of the game covering two dramatic public debates over the past month. I refer to multiculturalism and AIDS. I thought that people having a say was one of the very cornerstones of politics. I thought I was elected by the people to listen to what they had to say and then say it for them in this and other forums. Of course, everyone of us here experiences a great deal of apathy at times. The people sometimes do not say anything and, in that case, we are then left to make up our own minds. On the multicultural debate, I was pleased and surprised to read the *Advertiser* editorial of 13 August in which the Editor said:

> It is highly desirable that important national issues such as the immigration policy should be widely debated.

I think that this was also conceded by Mr Hawke and Mr Holding, following the release of the Fitzgerald report. No-one saw it as a public duty to question closely the Prime Minister and Mr Holding, who has been in hiding, I understand, until he turned up on television last night, which was five or six weeks after the debate started.

The Editor of the *Advertiser*, still talking about Mr Howard, continues:

> He is not, as the Prime Minister, Mr Hawke, has charged, trying to sleazily walk away from the concept a multiculturalism.

Is not Mr Hawke just as sleazy as he accuses Mr Howard of being? Is not this Mr Hawke the same person who, in denouncing Mr Howard, does not reveal that his own Government has, year after year, proclaimed an even broader version of what Mr Howard has outlined? The Government policy is 'that the migrant intake should not jeopardise social cohesiveness and harmony in the Australian community'. Is not this very statement breaking the so-called bipartsan immigration policy? The Government could quietly reduce immigration from, say, South-East Asia, England or South Africa if harmony were threatened; the Government's own policy says so.

The Hon. C.J. Sumner: That's not right.

The Hon. J.C. IRWIN: Well, it does.

The Hon. C.J. Sumnmer: Don't you support multiculturalism?

The Hon. J.C. IRWIN: I do support it; I am not talking about what I support. Moreover, the Government's master, the trade union movement, would soon tell the Government to do so, as indeed it is doing now. What the hell is going on in the debate? The hypocrisy surrounding this debate is quite stunning. Is not limiting migration to skills and South-East Asians having to produce $500 000 when they come to Australia discretionary? Who decides how many migrants should come from each country? If they are not exactly equal we have discrimination. Are these examples racist?

I must question the press and ask it why it does not try to have some semblance of fairness in its reporting, or is that too much to expect. Is it not about time that the Federal Government listened to the people? Is it not about time that some responsible and believable journalist questioned the Prime Minister? I know that the press is hell bent on destroying Mr Howard because it would not do for him to be right. That is the game plan. I will document the articles that have appeared over the past few weeks in the *Advertiser* that were written by its political writer in Canberra, Matthew Abraham. 'Political writer' is a quaint term. First, on 6 August under the headline 'Howard joins the hacks', he states:

> John Howard has finally made it. This week, over an impressive array of TV and radio appearances, and the odd reluctant newspaper interview, the Federal Opposition Leader became a political hack.
>
> Mr Howard's handling of the 'one Australia' concept, particularly his remarks on the need to limit Asian immigration, place him squarely in the crowded ranks of political opportunists who strut the Australian stage.

Like Mr Hawke. Even Mr Hawke said last week that Mr Howard had pinched his 'one Australia' phrase. The article continues:

> For anyone who follows the 'nice guys finish last' principle, perhaps it was an inevitable fall from grace.
>
> But it is sad, nonetheless, to see a political leader who has prided himself on his justified record of holding true to his principles, no matter what the political cost, finally cast this shackle aside.
>
> In so doing, Mr Howard is freeing himself to pursue the Government into a whole range of previously unchartered waters. In so doing, he has become just another politician.

Politicians are meant to listen to the people. If Mr Abraham listens to the people he is choosing not to report what he is hearing. Is that why he is called a 'writer' and not a 'reporter'? Mr Abraham, like so many other writers/reporters, has been hell bent in trying to destroy Mr Howard for sticking to principles. When he perceives Mr Howard has abandoned his principles he attacks him again.

I am somewhat bemused by the many people in this Parliament who seek to give me their pragmatic advice that principles do not count for anything in this political game, but that winning and holding Government does. That is apparently all right so long as it is not Mr Howard. There are a whole range of principles which guide me, and not one I hold more exhalted than another. We should be wary of those who embrace principles that suit them and who toss others aside, for they know not where they are going. No wonder we are still held in such low regard in the eyes of the public.

Maybe Mr Abraham is following his own opening paragraph in his article of 13 August which is entitled 'And Howard is fumbling' and which states:

> Maybe when John Howard was a little tacker he was able to both have his cake and eat it too.

Finally, on Tuesday the *Advertiser* contained an article entitled 'Pressure mounts on Liberal leadership' written by Mr Abraham. Bingo! From 'hack' to 'fumble' to 'leadership crisis'—the classic beat-up. Mr Abraham is wrong. If he is listening to the people he knows that he is wrong. Most Liberals, indeed most Australians, know that he is wrong. I look forward to having something further to say in the debate that was just opened by the Attorney-General. An old saying goes something like this: you can fool some of

the people some of the time, but you cannot fool all of the people all of the time. Are we not elected to listen to the people? Are not the people entitled to have a public debate, to express a collective view of what direction they want their country or their State to take?

What divine right is given to us, as politicians, to know better than the people who elect us? It is about time that we listened to the people. I pose the question: are the people being set up and softened up for more socialist engineering which will make it easier to have a republican Australia?

The other public furore surrounds the AIDS debate. My position is well known, as I have spoken and asked questions about AIDS more than once in this Council. What drives me to continue to take part in this debate? Last Sunday I attended my local church and took part in a baptism ceremony which, incidentally, had nothing to do with me. It is traditional in most churches for children to have godparents so that they can answer various questions and make commitments on the child's behalf. These words, part of the ceremony appearing in the new Australian Prayer Book of 1978, are as follows:

> Children are baptised on the understanding that they will be brought up as faithful members of the church to follow Christ and to fight against evil.

My godparents, one of whom went on to be a distinguished member of this Council, accepted words like those for me when I was baptised. I have committed my godchildren to the meaning of those words many times. When I accepted confirmation in my church at about the age of 17 years I understood those words myself, and I attempted then, as I do now, to uphold them. I strongly believe that AIDS is evil and that homosexuality is evil. Claude Forell of the Melbourne *Age*, in the *Sunday Mail* of 14 August under the headline 'AIDS and Tuckey: hard core of truth', states:

> Let's be frank about it. There was a hard core of truth in Wilson Tuckey's crudely provocative remarks about AIDS, tactless, misleading, and unhelpful as they were.

That is one person's opinion. I do not care about tactless. As it turned out, he was saying what the people think. 'Misleading and unhelpful'—well, that is debatable. After all, his remarks were based on the slogan, 'You don't catch AIDS; you let someone give it to you.' Notice how the debate stopped in the South Australian press when it was discovered that the Tuckey slogan was identical to the one used by the South Australian Health Commission. I am interested in the hard core truth of the Tuckey debate, and so are most Australians—and they should be.

Let us build on that instead of trying to destroy the hard core truth. We are frequently told that blood banks are now safe in relation to passing on AIDS. Has anyone asked why they are safe? It is because of stringent testing procedures. Is that not a guide post? Can we not build on that? A letter in the *Advertiser* of 13 August from Dr David Crompton, in part, states:

> There can be no rational scientific reason for the South Australian Government last month to declare chlamydia trachomatis a genital infection as a notifiable disease and still fail to take similar action for HIV infection. If the authorities consider notification will assist in control of the former, they are grossly inconsistent in not treating the latter likewise. There are extraordinary difficulties with regard to HIV, but this does not excuse the persistent procrastination that still allows the death toll to increase.

While having genuine sympathy for those who are infected with AIDS, no matter how they were infected, I must have regard to for the future death toll. The people are expressing that deeply held concern. I do not hear any highly placed person other than Tuckey speaking out about the future spread of AIDS and its cost in human terms and in dollar terms, least of all the Third National Conference on AIDS in Hobart. A letter from the Reverend Graham Head also appeared in the *Advertiser* of 13 August. In part it states:

> Mr Tuckey was invited to address the topic 'The politics of AIDS'. Instead, the participants at the conference, some who care for those with AIDS, some who are experts in the field of AIDS research (both scientifically and sociologically), and some who suffer the effects of AIDS, and their families and friends, were insulted, harangued and insensitively referred to in his speech.
>
> The irony is, and this should be a sobering fact for Mr Tuckey, that if any at the conference were wavering in their commitment, or preoccupied with their own agenda, they are now firmly united to help society understand the facts about AIDS, and offer care and support to those who suffer this strange and frightening disease.

The sobering aspect for me and for millions of Australians is how many more now healthy Australians will contract AIDS? Why is there not more emphasis on prevention, while we comfort those who have the disease? All of this discussion is like a welfare debate re-run. While the train, in people and dollar terms, runs out of control, the Federal Government makes little effort to prevent the welfare problem from becoming worse. I wonder why. I am sure that Mr Tuckey does not mind being kicked from pillar to post by those noisy minority groups, some well-meaning, some not. He knows he is right because the majority of people have told him and are telling him as they are telling me, and I am sure they are telling other members as well. The Reverend Head's letter concludes:

> The politics of AIDS goes beyond staging a political stunt such as was witnessed on Saturday in Hobart.

Yet he had already said, as I quoted:

> The irony is, and this should be a sobering fact for Mr Tuckey . . . they are now firmly united to help society understand the facts about AIDS . . .

Four or five years have passed and three national conferences and we still do not understand the facts about AIDS, according to the Reverend Head. Thank God for Mr Tuckey for staging a political stunt.

The matters I have covered all have one common thread and that is that the majority of people demand to be heard. They demand us to speak for them and to act, honestly in this place and I have pleasure in supporting the Address in Reply.

The Hon. G.L. BRUCE: In supporting the Address in Reply I would like to add my voice to the voice of the Governor when he expresses his sympathy to the family of Sir Douglas Nicholls. I consider it most unfortunate that ill health prevented him from filling the position of Governor of this State for a longer time than was possible. I am sure that, had he been able to stay in office for his full term, we would still be reaping the benefits of his efforts. However, it was not to be and I take this opportunity to express my sympathy to his family.

I feel I cannot let this occasion pass without acknowledging the departure of the Hon. Murray Hill from the Opposition side of this Council. I came into this Council in 1979 and into the then Labor Opposition. The Hon. Murray Hill was the Minister of Local Government at that time, and I had the pleasure of serving on a number of select committees over which he presided. At all times he showed the highest integrity in his position on those committees and extended every courtesy to the members of those committees. I feel that I am indebted to him for a basic and good grounding in the committee system of this Council. Many times I have placed on record my strong belief in the effectiveness of that system in achieving the introduction of first-class basic legislation. I wish him a long and healthy retirement and I can only trust that the young turks of politics take a leaf out of his book for their conduct and behaviour in the political arena and in this Chamber.

I would also like to extend a welcome to the new member of the Council, Julian Stefani. I have no doubt that Julian will soon find his niche in this Chamber and will contribute some worthwhile observations to its deliberations. I note in passing that the Hon. Julian Stefani, the Hon. Mario Feleppa, the Hon. George Weatherill, the Hon. Trevor Crothers, the Hon. Carolyn Pickles and the Hon. Rob Lucas all have one thing in common: they were not born in Australia but now, I suggest, they all see themselves as typical Australians and each in their own way are endeavouring to make Australia a better place to live in. If they represent multiculturalism, I am all for it.

Australia, with its vast spaces and divergent population, to me is one of the most stable and satisfying countries in the world today. I came into Parliament in late 1979 so that I have sat through nine speeches made by the Governors of this State at the opening of Parliament; by the same token this is my ninth opportunity to respond to such speeches in what is known as our Address in Reply.

Traditionally, the Address in Reply debate is fairly wide ranging; members can virtually touch on any subject that catches their imagination, and they usually do that. I thought it fitting in my ninth Address in Reply speech to review what I said in my first speech in 1979, to ascertain the relevance of my comments some nine years up the track, and to see what concerned me then and what has since resolved itself.

I note that I expressed concern about job creation and employment. Unfortunately, after my nine years in the Council that still remains a problem in the community. I defended the rights of the workers to impose compulsory union membership, with the majority of members in the industry or areas concerned electing to have a closed shop agreement. I am happy to say that this right still remains.

I defended the role of the trade union movement to actively support the political Party of its choice, and that still applies. I expressed the hope that the tourist and hospitality industries would be developed and the chance for labour-intensive areas in the area increased. That has happened and is still happening. I expressed concern about the Hon. Ren DeGaris and what he saw as the future of democratic rule in South Australia—very bleak if Labor gained a majority. This followed on from the democratising of the Legislative Council. After nine years Labor has still not gained a majority in the Council, and honourable members' expressions have been shown to be completely unfounded. Of course, Ren DeGaris is still around and I presume that he views this Council and its operations with much interest.

I expressed concern about the exploitation of workers in the industries covered by my union and I hoped that that would cease. Unfortunately, from my observation and close contact with my old union, I am led to believe, in fact I know, that the exploitation of the workers is just as bad as, or worse than, some nine years ago—not in all areas and not in all industries, but it is prevalent enough for me to be concerned that this exploitation can still occur in this day and age. In fact, I note from articles in the *Advertiser* of 4 August that the Liquor Trades Union, with which I was associated, was concerned that a major industrial employee of labour was trying to get out of an industrial agreement. It advised members not to sign individual agreements. The unions sought $1 million in back pay from the Casino in South Australia. That is just one of the industries that my union covers. On a smaller scale I have spoken to individuals in the industries represented by that union and I ascertained that exploitation in relation to minor details, minor wage infringements and other award conditions are still occurring. If one dares to raise one's voice and protest against what is occurring, one is told, 'There's the door. There are plenty of other people who want the job. If you are going to bellyache, get out.' That is not a proper basis on which to conduct industrial relations, and that concerns me.

I expressed concern that appropriate legislation should be in place to protect workers. I am happy to say that during the past nine years significant legislation relating to protection of workers and the environment in which they work has been enacted and is still being considered. I believe that an appropriate and fair superannuation scheme should exist for all workers, not just for some. Since that observation nine years ago, I have been pleased to see the movement towards a national superannuation scheme, with the bulk of the work force now being involved in the employer 3 per cent pay-in scheme. On reflection, an overview of my thoughts of nine years ago shows some pluses, some minuses and some instances of no change at all in the *status quo*. It would appear to be a long, slow haul to achieve all the justice and equity which one feels should be in a place in a society such as ours. One can only keep chipping away at it.

Last weekend I had the privilege of attending the ALP annual convention where one of the duties of delegates is to review and introduce the policy changes that members of our Party see fit. It was gratifying to observe the democratic nature of the debates and the behaviour of the delegates. I would suggest that from that conference the South Australian branch of the Labor Party has emerged as a strong, united force speaking on behalf of its members. With policies in place and given the time and opportunity it will prove to be of benefit to all citizens of South Australia, and indeed Australia, as some of the policies endorsed touch upon the Federal scene. It is my firm belief, as it was some nine years ago when I first entered Parliament, that the ALP and its policies remain the best hope for an improved life of the working class people of South Australia.

The Governor's speech touches on many matters of concern and interest to the people of South Australia, and one of the matters to which the Government was to pay attention was law and order. The Governor said:

> . . . my Government continues to demonstrate its concern by aiding in the development of programs on a State and national level to bring criminals to justice.

I note that last weekend one of the Government initiatives towards this end was the announcement that the Government would fund a full-time secretary from the Public Service for the Neighbourhood Watch programs. I feel that this is a step in the right direction as it is only with public support and understanding that we can begin to tackle the rising suburban crime rate. Without exception, all the people I know and mix with express fear and concern about the chances of their business, property or house being broken into. A few years ago, this was not a prominent issue; today it is one of the foremost issues in the ordinary suburban dweller's mind. It behoves us as law-makers to do all we can in our power to ensure that the climate does not exist for suburban house breakings, for these occur with a frequency that cannot be accepted.

I also note, but no longer with surprise, the way in which the press of today see fit to report on matters of interest to the public. To illustrate what I mean, I refer to an article at page 13 of the *Advertiser* of Friday 29 July 1988 under the headline, in bold print, 'MPs confident of substantial jump in pay'. I had to read through that article to find out that the concern was not with politicians or their pay but the pay for judges. Instead of a headline 'Judges receive increase', we read 'MPs confident of substantial pay increase'. The whole article referred to judges, the people below them

and the relativities of pay. I can only assume that, because the previous day the *News* had run with the judges pay issue, for the *Advertiser* to do the same would not be regarded as controversial enough, so the result was the headlines that I have just mentioned. It seems that it is always popular to float issues relating to politicians. It seems to sell papers.

In past speeches in the Address in Reply debate I have singled out the role of select committees of the Legislative Council. This speech is no different. I believe that the select committee work of this Chamber is one of the more rewarding activities in which a backbench member can become involved. I note that, stemming from one of the committees on which I was fortunate to serve, new adoption legislation will be introduced to give birth parents and adult adoptees access to identifying information and birth certificates, subject to proper veto provisions and counselling. It is my belief that, due to the sensitive and non-political way in which the select committee carried out its work, better legislation resulted than would have been the case in the hurly-burly of the political arena of Parliament.

The Hon. R.I. Lucas: What about the disposal of human remains?

The Hon. G.L. BRUCE: The same. I noted with concern what happened in that case but I still believe that the decisions of the select committee on human remains were proper and correct. If what was recommended is not being carried out by the cemeteries in a sensitive and proper manner, I do not think that members of Parliament or that select committee can be blamed for putting that legislation in force.

The Hon. R.I. Lucas: It is about time we saw some action on it.

The Hon. G.L. BRUCE: It is happening now, I think. I note with interest the developing debate in the community on the role of preservation and conservation of the environment and, against that, the development of the community and the environment. On a recent visit to Perth I had the pleasure of visiting a new marina development on the city's shoreline. It is called Hilary's Marina. My understanding was that it had been subjected to the same arguments and studies that have taken place here.

The Hon. L.H. Davis: Was it built by WA Inc.?

The Hon. G.L. BRUCE: I don't know who built it but eventually it was approved, built and developed.

The Hon. L.H. Davis: Did the Western Australian Government have its hand in the till?

The Hon. G.L. BRUCE: I don't know whether it had its hand in the till but it had its finger on the pulse. It gave the approval to build it. I do not know whether honourable members have had the pleasure of seeing this marina. I spent a couple of hours wandering around and found it a most pleasant experience. Judging by the number of people who were doing the same thing as I, it would appear that they thoroughly enjoyed themselves, too. If this type of development is done well in a sympathetic and sensitive manner to blend in with the environment, it can do nothing but enhance the lot of people living in the area.

The Hon. L.H. Davis: Have you talked to Derek Robertson about that?

The Hon. G.L. BRUCE: I haven't talked to anyone. I had the pleasure of travelling around the countryside and observing and, from what I saw in Perth, I can say that anyone who sees that marina would not take objection to it.

The Hon. L.H. Davis: Do you whip around a bit?

The Hon. G.L. BRUCE: Yes, I whip around a bit. I like to keep mobile.

The Hon. R.I. Lucas interjecting:

The Hon. G.L. BRUCE: Good luck to him! Nothing ever stands still. Civilisation and the environment are no exception and it is our duty to see that the change which will occur happens in a proper and structured manner. There is no place for shoddy and expedient development. I also visited Morkey Mia where I had the privilege of standing in knee-deep water, patting and observing some eight or nine dolphins swimming in and around an admiring audience.

The Hon. T. Crothers: They are very intelligent.

The Hon. G.L. BRUCE: Yes, very intelligent. I feel that I know what people are saying when they seek to close down establishments such as Marineland. It is a unique experience to see these beautiful creatures in their natural environment.

Members interjecting:

The Hon. G.L. BRUCE: That's all right. I haven't finished. Wait! Wait! I also visited a zoo at Broome which has been established to protect and breed rare and endangered animals and birds.

The Hon. L.H. Davis: Are you shadowing Barbara Wiese?

The Hon. G.L. BRUCE: I am not shadowing anyone. There are two arguments to the story. It also has a conservation side. As I said, the zoo has been established specifically to preserve rare and endangered animals and birds. I refer to birds and animals which could disappear from the face of the globe unless we intervene. Somewhere between these two extremes as to how we see animals and birds of this world we must steer a way that allows a proper appreciation of a place for all creatures in this world. By banning whaling in our waters and the education and acceptance of the vast majority of countries to do likewise, we now have the return of the rare Right Whale to South Australian waters. Legislation outlawing marinelands, zoos or whatever are no good unless you have community support and an understanding of what you are trying to do. The capture, killing and trading of rare wild animals and birds would stop tomorrow if an educated and a non-greedy community were aware of what the poachers are doing to the wildlife on this planet. I commend any organisation that tries to impart to the community the values and education that are necessary to conserve and protect our native animals and birds.

The Hon. L.H. Davis: What about the Broome Zoo?

The Hon. G.L. BRUCE: What about it? It was a marvellous experience. A man spent $30 million on a tourist environment and alongside this he built a zoo. I do not know what amount of money was spent on it, but it is for the protection of endangered animals. Of course, it will be supplemented by his tourist complex alongside. I believe that he is trying to preserve on this planet some of the animals and bird life that would otherwise disappear if he did not intervene.

The Hon. L.H. Davis interjecting:

The Hon. G.L. BRUCE: That's all right. With the appreciation of Marineland and what dolphins are all about, somewhere between the two there is a balance so as to keep and preserve animals. I trust that our deliberations in this Council will assist to overcome many of the concerns that still exist in our community and that they will work for the benefit of all. I support the motion.

Members interjecting:

The ACTING PRESIDENT (Hon. M. Feleppa): Order!

Members interjecting:

The ACTING PRESIDENT: Order! Will the Hon. Mr Davis please cease interjecting.

The Hon. M.J. ELLIOTT: I support the motion for the adoption for the Address in Reply. In so doing, I thank His Excellency for his speech which opened this session of Parliament. I convey my condolences to the family of the late Sir Douglas Nicholls, who was a real path breaker for the Aboriginal community in Australia. I congratulate Julian Stefani on his elevation to the Legislative Council and wish him well in his future parliamentary career.

I wish to dwell on several aspects of the Governor's speech. The Governor mentioned the prospects for improvements in employment, population growth and gross State product. I think that most people would like to see improvement in those areas and, on the face of it, who would not support such a concept? However, I argue that things are never quite as simple as they seem. While improved employment is a laudable aim, it needs to be recognised that a number of paths may be available to get to that end.

Do we accept that all employment opportunities are to be grabbed, regardless of the consequences? Should we not also define what is meant by 'employment'? Are we just looking for full-time employment? Many people in this community would far prefer to work part-time. In fact, today I received statistics from the Bureau of Census and Statistics which suggest that 70 per cent of unemployed people would prefer to have a form of part-time employment. I think that we should also look at what we mean by 'useful employment'. In Australia we look towards employment in technical areas and do not realise that artisans (artists, sculptors and the like) can also be engaged in meaningful employment as long as they are supplying something that somebody else demands.

Some see population growth as a way of stimulating the economy, but in South Australia we need to be aware that there can be costs as a consequence of growth in population and there are limits on the population that this State can tolerate. Not the least of the limits that we are operating under in South Australia is the availability of good quality water. Despite the appearance of progress from State Water Resources Ministers, the Murray-Darling system is indeed troubled and South Australia as the end user will suffer the worst of the consequences. It was only last week that I raised some concerns which have come to my attention from research work done recently by the Department of Mines and Energy. It indicated that due to land clearance over the past century there will be a massive increase of salinity in the Murray-Darling system—something like 140 EC units, which is a considerable increase. Not only do we have a deterioration in the Murray-Darling system but also limited options for an alternative water supply. Most of the capacity of the Mount Lofty Ranges has already been utilised.

Finally, the population growth in South Australia is gobbling up some of our most productive agricultural land. We have lost the best of the Adelaide plains. The Southern Vales are now firmly in the sights of developers. Even places such as the South-East are continuing to grow. I am not suggesting that we stifle population growth, but there is a difference between that and going out to make population grow with the vain hope that our economy will grow in response. In the long run we will pay a very high price for encouraging our population to grow too much. We need to recognise that we are the dryest State on the dryest continent—a severe limitation.

It is the third in the trilogy of improvements that worries me most, namely, gross State product. It and its companion—gross national product—are highly misleading in that an assumption is made that when they increase we are better off. The measure is extremely deceptive in that it counts costs as well as benefits. It is perhaps best illustrated with a few examples. If we build a car in South Australia, it is a component of our gross State product. If that car is in an accident and is repaired, the cost of the repairs is also part of our gross State product. Further, if a person is injured the medical bills are part of the gross State product. Nobody would argue that all of those things are a benefit to the community.

I refer to a second example relevant to South Australia. Earlier this century homes were built on the dunes of the Adelaide foreshore. The building of those homes was measured as part of the gross State product, but there was an unforeseen consequence: the erosion of the beaches accelerated at an alarming rate. We now have a sand carting program that must continue in perpetuity, and the cost of moving that sand is part of the State's gross State product. Again, it is a strong indication that the increase of the gross State product is no real measure of how well off we are. If the same homes had been built in another place, the increase in gross State product at the time would have been the same, yet our gross State product now may be less because the sand carting program is not in operation or, alternatively, that money may have been directed and used for beneficial purposes. It must be recognised that gross State product is an extremely crude indicator.

Throughout the past decade Australia's gross national product has continued to grow, albeit slowly, yet many Australians perceive that they are worse off. I bring to members' attention today's *Bulletin* which states that Australians have been asked what are the most important political issues. Ranking highly was a perceived decline in living standards. In fact, 12 per cent of all respondents said that declining living standards was a major issue. Last year it was 8 per cent, the year before 7 per cent and the year before that 5.5 per cent. Throughout the time our gross national product has been growing, but the perception among Australians is that things are getting worse. I am sure that that is the result of the compounding of two effects: first, there is an increasingly inequitable distribution of national income.

Secondly, much of the increase in GNP has been by way of costs rather than by way of benefits. It would be useful if we used other ways of measuring the well-being of our community. As an example, an American sociologist, Morris Morris—his parents were car fans, I believe—made a comparison of different countries examining infant mortality, literacy and longevity. In 1977 Saudi Arabia had a per capita GNP of $3 529 and Sri Lanka by comparison had a per capita GNP of $179. Yet, for quality of life, measured on a scale of 1 to 100, Saudi Arabia scored 28 while Sri Lanka scored 82. So, if you wish to measure quality of life as distinct from GNP, we have a complete reversal of situations—quite a dramatic change. That was done before the recent wars in Sri Lanka, but the point is still made. Perhaps we should be looking at other ways of how well off this country is, rather than simply using that very crude measure of GNP.

Governments are at this time attempting to become less interventionist, less regulatory. There are two sides to this ledger. Certainly there is unnecessary red tape, and that needs to be tackled. However, it is foolhardy to believe that *laissez-faire* free enterprise will work to the common good of all. Governments have a responsibility to give some direction as to what is acceptable and what is not. As far as business is concerned, what is important is not whether or not there are laws but whether they are arbitrary and

discriminatory. Laws need to be made for a good purpose, and their functioning must be clearly understood.

At this point I will enter a debate which has been simmering for some time but which boiled up a little after the remarks of Mr Marcus Clark, the State Bank's Managing Director. It is the development debate. There is no argument from me against development but rather as to what is appropriate development. Perhaps this can be best demonstrated by looking at what has happened with marinas in South Australia.

A proposal was put forward to build a marina on the Glenelg foreshore and projecting out into Gulf St Vincent. Quite frankly, from the very beginning anyone with any nous could have seen that there were major problems. The State Government was at fault because it continued to encourage the project. Money was wasted by the developers which should never have been spent. I might add that the developers were also in part to blame but I will not pursue that point at this time.

The Hon. C.J. Sumner: What about the Glenelg council?

The Hon. M.J. ELLIOTT: Yes, they weren't much help either. With a proliferation of marina proposals and growing public opposition to several of them, the Government finally set up a Marina Review Committee which would designate suitable marina sites. As long as the review committee has carefully examined all relevant issues before designating the sites, it should be possible for a developer to enter a project with a reasonable degree of certainty. As I said earlier, the problem is not having rules; it is a matter of having clear rules. The Governor further stated:

> My Government believes in encouraging tourism within national parks through the provision of high-standard visitor facilities which reflect a proper balance between the need to protect parks' environment and the responsible use of these areas by the public.

I took the opportunity during the recent winter recess to take a study trip to the USA. The issue of tourism in national parks was one of those that I examined while there.

I was indeed fortunate to spend some time with Professor Joseph Sax of the University of California at Berkeley. He is considered to be something of a guru on matters relating to national parks in the United States. I also met with a number of other persons with an interest in national parks. The over-riding impression from all the discussions was that development should as far as is possible be kept out of national parks. That does not imply though that people should be precluded.

The dangers of development are twofold: first, the damage done directly by the development and the associated human activity, and to some extent that can be anticipated. Secondly, once you have a large number of concessions operating within a park, you now have a powerful lobby group that wants to expand and others who also demand entry. It becomes almost unstoppable, and the United States has had some problems in that regard. What we need to do in relation to development in national parks and adjacent areas is perhaps to follow a similar process to that which was carried out by the Marina Review.

Before looking at particular projects, the Government should have set up a full review of parks and adjacent areas to ascertain what level of development, if any, is acceptable. There has been increasing pressure here in South Australia (pressure which I support) to declare certain areas as 'wilderness'. The 'wilderness' concept means that there would not even be roads into such areas. If a full review of our park system was carried out, we might be able to identify areas to be declared 'wilderness'. We might also examine what ecosystems were under-represented or fragile and therefore deserved special protection. Such a review might also give clear guidance on what development might be acceptable, where, and under what conditions. As I see it, the interests of the developers and the interests of conservation could both be served well.

As a final comment at this time on the state of the development debate, I wish to address the matter of the workings of the environmental impact statement process—or rather its failure to work. I have in fact designed a leaflet, which I have called 'How to succeed with a dodgy development' and which is along the following lines. The first step is to come up with a development proposal, and ignore any obvious problems. The best profits can be made if the proposal uses choice public land that no-one else has had the gall to try for, or in relation to which development guidelines are floated, those for example relating to height limits in the city of Adelaide. One can make enormous profits there because it is choice land and it is usually going cheap or going under value, considering the sort of development that is going on.

The second step is to have a major public launch, complete with models and artists' sketches—distorting scale and using deceptive perspective where useful. The idea is to announce that there will be thousands of jobs and that it will attract squillions of tourists. The third step involves the draft environmental impact statement. One gets to do this oneself. It is not worth wasting money on original scientific work, but if it is absolutely necessary then one should do the minimum. One can plagiarise the works of others, relevant or not. Graphs and tables, even if on inadequate data, look great and give the document an appearance of authenticity. One should make sure that the draft EIS is very thick and glossy and should ensure that it has plenty to say, even if it says very little. If any matters in the guidlines cause any problems one should avoid addressing them.

The fourth step involves the public comment stage. One should be prepared for squeals of outrage, and then one can make one's own squeals—one can say that the State will never progress, that you will not spend any money in this State again. One can say that a minority fringe—say, the 'greenies'—is working against the wishes of the silent majority. One should ignore public meetings: if there are 500 people in the hall and 300 outside, they are only part of that squealing minority.

We then get to step 5. One prepares a supplement to the environmental impact statement—and one goes through the same process as for the draft EIS, that is, you make it thick, glossy and padded out, with little original work in it. Step 6 involves legal threats: if people complain about the methods that you have used and are becoming a problem in the media, instruct your solicitors to write a letter threatening a writ. They are usually people of ordinary means and they will back off. Of course, one should not forget to keep the PR going throughout the process. Undoubtedly, one will be assisted by the Government: all Governments are desperate for projects.

Members might think that I have been speaking with tongue in cheek in relation to that outline, but I most assuredly was not—because that is just the way it is happening in South Australia at present, and I can give examples that relate to each of those steps. The Jubilee Point project was the most classic case, but it applies to almost every other development. I will not go into further details now but I can assure the Council that my outline is completely accurate.

The Hon. C.J. Sumner: Give us details.

The Hon. M.J. ELLIOTT: You want them?

The Hon. C.J. Sumner: You're the one who is making the allegations.

The Hon. M.J. ELLIOTT: As I said, Jubilee Point is a classic example. As to step 1, the Jubilee Point developers went for public land—the Glenelg beach front. It was choice public land, and it involved taking away views from people who already own land in the area. It involved having a business site on reclaimed land that would compete directly with businesses in the existing shopping centres. Anyone who understood anything about sand movement along the beach would know that there would be major environmental problems. There were quite a few of those besides the sand movement problem.

The developers set themselves up with an office in Adelaide. They had their launch, they had their beautiful models of Jubilee Point, showing what it would look like, and they had all sorts of artists' perspectives, but they gave no-one any idea that the thing was going to go half a kilometre out to sea, that the breakwater was to be higher than the Glenelg jetty, and that the beach perspectives would be lost. This was quite deceptive. Further, they announced how many jobs would be created and how many tourists it would bring. The draft EIS was absolutely appalling. They failed to address almost all the important issues. There was no substance in it. They did no original scientific work. In fact, when I challenged them their response to me was, 'We are not going to spend money until we have obtained approval.'

The idea of a draft EIS is to ascertain whether or not the thing will work, and whether it is environmentally sound. They were going to get the approval before they did the scientific work. That is absolute balderdash and is not the way things should be done. At the public comment stage it was quite clear that the Glenelg community was against it. Anyone who suggests that there was a minority against that really was not taking any notice and just believed what they wanted to believe. The public generally was absolutely outraged. Certainly, the boating fraternity were in favour of it; I can understand that. They want a marina. I am not against marinas, but the site was not tolerable.

The fact that the EIS was not satisfactory is substantiated because the Government, after getting a supplement to the EIS, insisted that there be a further supplement to the supplement, because the original EIS had answered very few of the guidelines. So, the public had been unable to respond to those matters until after the supplement had addressed them; in other words, the public had been effectively gagged. There was sufficient pressure on the Government that it eventually insisted on a supplement to the supplement, and I give it credit for that. As for the legal threats, I can assure members that at least three people had threats of injunctions being taken out against them, so the Jubilee Point process from start to finish very much followed that pattern.

I do not blame the developers as such. I believe that they did what they did because of the way that the whole EIS process has been structured. The present EIS process is an absolute farce and, sadly, not only is South Australia put at risk from outrageous developments but also, strangely enough, the developers themselves often suffer. This is because in reality, despite their efforts and often the expenditure of large sums of money, the public sometimes prevails. The process is just totally unnecessary.

I recently visited the United States, as I said a moment ago, and spent much of my time talking with environmental lawyers. Quite simply, they could not believe the way that the South Australian process worked. They were particularly stunned to find that the proponent prepares the EIS. While in the short run it might seem to favour the proponent, in fact it has made the whole process highly unreliable. That helps no-one, including the developers, and has led I believe, in major part, to the current development debate.

I am aware that a review of the EIS process has taken place. What the Government has done with that review is anybody's guess. It is my intention during this session to pursue this question further. The EIS process must be altered, not in an attempt to make it easier for environmentalists or developers but, rather, so that the correct decision is made and so that outcomes are more predictable. If this was married to a greater clarity in our planning law and reviews similar to the marina review were applied to other sensitive areas, for example, the Mount Lofty Ranges and national parks, we could have both the developers and the public far more satisfied.

I would like to respond very quickly to a couple of remarks made by the Hon. Mr Bruce, who referred to his visit to the Broome zoo and said that it was doing such useful work in the preservation of endangered species. Another opportunity I took while in the United States was to visit the San Diego Wildlife Park. I visited it because it is considered to be the leading park or zoo of its kind in the world. For some time I have had an interest in the prospects for the Monarto open range zoo which, at this stage, the Government has put on hold.

I suggest that the Government has the wrong handle in relation to the Monarto open range zoo. I believe that it should have been looking to marry a concept like the San Diego Wildlife Park with something that was described by the Hon. Mr Bruce. The Broome zoo was not just seen as a zoo or a place for animals; it was also seen as part of an overall tourist concept—it worked in conjunction. South Australia has been desperate for tourist developments, and I believe that in the Monarto area it would be possible to develop a zoo that has elements of the San Diego Wildlife Park, the Broome zoo, and perhaps elements of the Warrawong sanctuary in the Adelaide Hills.

If any member has not had the opportunity of visiting Warrawong, which was set up by Dr Womersley, I suggest that they take the opportunity. This man started with bare land in the Adelaide Hills and completely reafforested it. He invented a fence which keeps out foxes and cats and, as a consequence, he now has the sanctuary populated with a large variety of Australian marsupials, many of them rare. It is the very sort of thing that would attract Japanese and other tourists in their droves.

I believe that if something like that on a much larger scale was set up at Monarto which concentrated not only on African animals, as San Diego tended to do, but also on Australian animals, we would have a real tourist winner. I think that it could be easily married with some of the concepts that were looked at for the development in the national park at Wilpena Pound. Monarto could have motels and concessions operating on its edge, such as golf courses and other things. It is a place that has, generally, a very good climate. It is within 45 minutes drive of Adelaide and could be a winner. The Government has not looked at the development of an overall concept at Monarto, and I believe that it really could work.

I make another observation about the San Diego zoo. I could not believe my eyes when I read one sign, which said, 'Australian rainforest walk'. I walked through this walkway and there were Australian trees, shrubs and bushes with Australian animals amongst them. It was unlike anything I have seen in Australia. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SUPPLY BILL (No. 2)

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It provides $995 million to enable the Public Service to carry out its normal functions until assent is received to the Appropriation Bill. Members will recall that it is usual for the Government to introduce two Supply Bills each year. The earlier Bill was for $700 million and was designed to cover expenditure for the first two months of the year. The Bill now before the House is for $995 million, which is expected to be sufficient to cover expenditure until early November, by which time debate on the Appropriation Bill is expected to be complete and assent received.

Members will notice that the amount of this Bill represents an increase of $120 million on the second Supply Bill for last year. About $75 million is to cover wage and salary and other cost increases since that time. The remaining $45 million represents the Government's contribution towards superannuation pensions for the first four months of the 1988-89 financial year. Authority for these payments was previously provided in the Superannuation Act but is not included in the new legislation which came into operation on 1 July this year. Supply Bill (No. 1), which was passed in the previous parliamentary session, did not include an amount for this new arrangement. I commend the Bill to the House.

Clause 1 is formal. Clause 2 provides for the issue and application of up to $995 million.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 11.10 p.m. the Council adjourned until Thursday 18 August at 2.15 p.m.