LEGISLATIVE COUNCIL

Thursday 18 August 1988

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

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

QUESTIONS

JULIA FARR CENTRE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the newly appointed Minister of Health a question about the Julia Farr Centre.

Leave granted.

The Hon. M.B. CAMERON: Members in this Chamber would be well aware of the controversy that was caused last year when the State Government decided to close down Kalyra Hospital as part of its so-called health system rationalisation. The Government decided, for reasons that have mystified thousands of South Australians, that Kalyra Hospital at Belair was not delivering adequate care to the public, so its extensive services should be relocated elsewhere. The Government decided, despite considerable public opposition, to relocate Kalyra's hospice care services to Daw House at the Repatriation Hospital, with its rehabilitation and convalescence services to the Julia Farr Centre. On Tuesday night some members might have seen the latest chapter in this protracted affair with the new Minister of Health, beaming from ear to ear, opening the new hospice section of Daw House at a cost of $800 000.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Be quiet on the back bench, please.

The PRESIDENT: Order!

The Hon. M.B. CAMERON: In fact, the Minister was quite derogatory in his opinion of Kalyra, so one must assume that he has had some experience of that institution's facilities, which certainly do not match up with those of the many thousands of people who have stated that Kalyra was a very fine hospital.

Regarding the relocation of Kalyra's rehabilitation and convalescent patients to the Julia Farr Centre, things do not appear to be running quite so smoothly. I am informed that the centre has been having major difficulties in retaining staff. The Julia Farr Centre was supposed to have a 44-bed rehabilitation/convalescence section, but I am told that there are now only 18 beds available because of acute staff shortages. I am also told that as a result of the problems the centre has stopped taking admissions.

If the rehabilitation/convalescence section of Kalyra had 50 beds when it was operational, and ran at about 85 per cent occupancy, and still had more than 35 people at any time waiting to get into that institution, it makes one wonder how Julia Farr is coping with just 18 beds. Are patients being kept in acute beds at Flinders Medical Centre, so clogging up the system there; are they being discharged early; or are they simply not having access to rehabilitation/convalescence services? My questions are:

1. Will the Minister indicate how many staff resignations there have been from the rehabilitation/convalescence section of Julia Farr since it took over Kalyra's services?

2. Will he indicate what steps are being taken to recruit new staff?

3. Will the Minister indicate how many beds are now available at Julia Farr and what this is as a percentage of total beds?

4. Will he indicate what institutions are catering for the surplus demand caused by the shortfall of available beds at Julia Farr?

5. Will the Minister indicate when he visited Kalyra to obtain his information on that institution's facilities of which he was so derogatory earlier this week? If he has not visited Kalyra, on what information did he base those comments?

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

ANTI-CORRUPTION

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the anti-corruption strategy.

Leave granted.

The Hon. K.T. GRIFFIN: In the papers tabled on Tuesday by the Attorney-General there is an anti-corruption strategy discussion paper which deals with high risk areas in relation to the prevention of corruption. The paper states:

> The increasing utilisation of computer systems creates a potential high risk area where facilities are shared with outside agencies. Access to the recently established Justice Information System is available to the Department of Correctional Services, Department for Community Welfare, Department of Labour and Industry, the Attorney-General's Department and, of course the Police Department. Although access codes may restrict the availability of information there is clearly the potential for security to be breached.
>
> Thorough screening of personnel seeking employment in, or transfer to, a high risk area would seem to be a necessary prerequisite. Periodic reviews of personnel security clearances together with access to computer based systems would be desirable.

That discussion paper recognised the Justice Information System as a potential high risk area. My questions are:

1. What screening and security checking of personnel involved in any area of the Justice Information System is proposed and at what stages will that be reviewed periodically?

2. What security provisions are included in the system to meet the risk referred to in the paper?

The Hon. C.J. SUMNER: As the honourable member would know, the Police Commissioner (Mr Hunt) is Chairman of the JIS Management Board and has been, I think, for many years now. The report which was prepared on anti-corruption measures and which was tabled in this Council was prepared for him. So, I assume that the matters referred to in the anti-corruption report with respect to security of information are well known to the Police Commissioner not only in his role as Police Commissioner but also in his role as Chairman of the JIS Management Board.

The JIS has always been careful to give consideration to issues of security and privacy. That has always been part of its brief. Of course, there is reason for thinking that a properly established database such as this can in fact enhance security rather than derogate from it, because it is only by having access to certain codes that one can get information to which one is entitled. So, those issues of security and privacy have been of concern to the JIS board and, of course, to the development team. The specific questions that the honourable member has asked I will refer to the JIS for a report, but I do know of my own knowledge that there is security, and what seems to me on the face of it at least to be reasonably tight security, as far as the JIS is concerned.

SIGNPOSTING

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Tourism a question about signposting.

Leave granted.

The Hon. L.H. DAVIS: On 6 November last year and again on 14 April this year I raised the matter of inadequate signposting and, in particular, the lack of proper signposting at Bungaree Station in the Mid North. The Minister will remember that George and Sally Hawker who own Bungaree over two years ago opened their historic property to allow up to 30 people to stay overnight in the shearers quarters or to inspect the property and take refreshments.

Bungaree is located north of Clare, six kilometres beyond the Spalding/Jamestown road junction on the main road to Port Pirie. Because their property was frequently confused with North Bungaree, which is on the Spalding road, in October 1986 the Hawkers asked the Clare council whether a sign could be erected on the road junction. The council agreed and wrote to the Highways Department. The Hawkers heard nothing for five months and they wrote to the Highways Department in May 1987 to find out what was happening.

Two months later, they had a letter from the Highways Department saying that as the junction was 6 kilometers from the property it was too remote to conform to departmental policy which only allowed a tourism sign in the vicinity of a feature. As a result of that, a lot of people kept getting lost, including the RAA and a vehicle which contained top Australian Tourism Commission officers, overseas visitors, travel agents and writers. The Minister, at the time I asked this question, said I was flippant for even raising the question but eventually said that she would take it up with the appropriate authorities and see whether something could be done. She also mentioned that a signposting committee was being established and reporting to her in late 1987.

In April of this year I asked again what had happened, and the Minister said that in the case of Bungaree she understood that the advice that was given some months ago concerning the Highways Department was that safety considerations were a problem and that signposting remained a difficulty up there. As I said to her at the time, it had nothing to do with safety.

Over a year has gone by since the station owners last heard contact from anyone. They have heard no contact from the Minister or the Highways Department. So, every week, Bungaree North continues to get, people who are bound for Bungaree. This is irritating for the proprietors of Bungaree North and most annoying and time consuming for visitors who have to travel an additional 40 kilometres as a result. I find it amazing that no-one has yet reported to the Hawkers as to what the position is. This bungle at Bungaree is the source, therefore, of my questions to the Minister, as follows:

1. Why has the Department of Tourism yet to contact the Hawkers about the signpost at Bungaree?

2. Has the Minister had any consultation with the Highways Department about the matter as she promised to do nine months ago?

3. Would the Minister be in a position to advise the Council what has happened to the findings of the signposting committee which reported to her back in December 1987?

An honourable member: They got lost.

The Hon. L.H. DAVIS: They probably got lost, too.

The Hon. BARBARA WIESE: The Hon. Mr Davis is a bit like a cracked record: every few months he recycles his questions. I would have thought that this was the sort of issue, as I believe I indicated last time, that might be taken up in a rather different way than to raise it here in Parliament.

The Hon. L.H. Davis: I am just highlighting your inefficiency as a Minister.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Well, it seems to me to be a most inefficient use—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —of the forums of this place for a question that relates to an individual signpost for a particular operation to be raised on a regular basis in a place like this. I would have thought that if the Hon. Mr Davis was so concerned about the matter, he might have written to me about it or encouraged the proprietors of Bungaree Station to write to me about it.

The Hon. L.H. Davis: I took it up on their behalf. That is what I am here for.

The Hon. BARBARA WIESE: I do not recall receiving any correspondence from either the Hon. Mr Davis—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, Mr Davis! You have asked your question; there is no point in repeating it.

The Hon. BARBARA WIESE: —or indeed the proprietors of Bungaree Station. I presume that the proprietors of the operation have approached the appropriate authorities with respect to signposting for their property and that that matter has been given consideration by those people. When a question is raised with me in Parliament I seek to provide a reply or, in those instances when I do not have the information at my fingertips, I undertake to take the matter up with the appropriate people. That is usually what occurs and, as far as I know, officers in my tourism organisation have indeed taken up this matter.

I have not received a recent report about it, because I understood that the matter had been resolved. That is why I have not chased it any further. If that is not the case, I shall be happy to take it up again with the Highways Department and the local council, if they are the appropriate people to make a decision about this matter. I advise the honourable member that, in future, if he is really sincere about the plight of tourism operators, he does not leave these matters quite so long. Perhaps he should write to me during the parliamentary recess, if he has not received a reply, so that I can get on to it a little bit sooner.

WORKCOVER

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about overcharging by WorkCover.

Leave granted.

The Hon. R.J. RITSON: A few weeks ago, a constituent approached me to discuss a matter that he considered to be of important public concern and he brought with him an account from one of the State's public hospitals. The person concerned had suffered a skin injury to a finger and was transported to hospital by taxi at the employer's expense. After a two hour wait, which is not complained about, a brief consultation occurred with a doctor, a dressing was placed on the cut and the patient left. He was subsequently presented with an account for $90. The acccount showed a

code number, and inquiry of clerical staff at the hospital revealed that the code number did not represent any known medical benefits item number or any known AMA fee schedule number. It was an internal code for that particular service, which was called 'attendance and examination'.

The scheduled fees for attendance with a general practitioner range from $20 to $45, depending on the length of the consultation and the time of day. A somewhat higher figure ranging to the mid $50s is paid by WorkCover which recognises the AMA scale of fees, which is slightly higher than the scale upon which Medicare refunds are based. There is nothing in any known scale of private medical fees approaching $90 for a person, not being a specialist, briefly examining a finger and putting a dressing on it. I made some further inquiries and received information that this sort of Robin Hood approach is called 'full cost recovery', the charge being totally unrelated to what the service is worth but related to a median share of the relatively cost inefficient public Medicare system. This results in some anomalies with daily bed charges for WorkCover patients, which are not the same as for private patients in public hospitals.

The Hon. J.R. Cornwall: They never were.

The Hon. R.J. RITSON: Wait a moment. They are not the same as private bed charges in private hospitals but are considerably higher again. By way of interjection, the Hon. Dr Cornwall pointed out that this has been so for a long time, and I do not dispute that, but the authority from which those costs are paid is no longer the general insurance pool.

It is the Government's new offspring, WorkCover. Indeed, in many of these casualty attendances the employer paying the first week's medical costs is charged this figure, which goes far beyond the real value of the service and which amounts to taxation or bleeding off of employer costs to support the public sector.

As I have said, my question is to the new Minister of Health, who was the very architect of WorkCover. Is it fair to anyone for Government instrumentalities to charge greatly in excess of what a service is actually worth—greatly in excess of the private sector charge—and to then levy that charge essentially against the cost of production and the cost of employment in this State? I will be interested to hear what Mr Blevins now makes of this conflict.

The Hon. BARBARA WIESE: I, too, will be interested to hear what the Minister makes of the question. I shall be happy to refer the question to him and bring down a reply.

MEDIA STUDIES CENTRE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about the Media Studies Centre.

Leave granted.

The Hon. M.J. ELLIOTT: I have been informed that there was an agreement three years ago that the Media Studies Centre would be temporarily located at the Orphanage for six months. I am also informed that moneys raised from the Barton Terrace site were to be set aside to build a freestanding Media Studies Centre in the grounds of the Orphanage. Apparently, the Media Studies Centre has had four different locations in the past 10 years and that has caused great disruption to its operations. Rumours abound as to where the centre will be relocated, and perhaps it depends on what surplus accommodation becomes available.

The latest rumour to be brought to my attention was that the centre might be re-established at the Fulham Primary School site. It was suggested that that is the only way to explain why Fulham Primary School students are to be shifted into the older of the two schools, which needs a great deal of upgrading. My questions are as follows:

1. When will the Media Studies Centre get a permanent home?

2. Where will it be?

3. What happened to the proceeds from the sale of the Barton Terrace site?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring down a reply.

ANTI-CORRUPTION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about the proposed Anti-Corruption Unit.

Leave granted.

The Hon. J.C. BURDETT: The Attorney-General has indicated that the Government is to establish an Anti-Corruption Unit and that a ministerial committee will be preparing recommendations on the composition and structure of the unit, its relationship to the Police and Government, how it will operate and its terms of reference. The recommendation of the of the National Crime Authority is that it should be within the Police Force, be supervised by senior personnel from Crown Law authorities of South Australia, and would be enhanced if police from other States are seconded to it and accountants are attached to it. Nowhere does the Government give even a hint as to what might be the unit's structure, who will be in its membership, to whom it will be responsible and what will be its powers. Nor is it indicated whether the unit will be established administratively or by Act of Parliament. The papers available on Tuesday give no information about what the Government really is going to do. My questions are as follows:

1. Is the anti-corruption unit to be established by Act of Parliament or administratively?

2. Is the unit likely to be part of the Police Force and have non-police members, or is it to be outside the Police Force?

3. What powers and responsibilities will the unit have?

The Hon. C.J. SUMNER: To say that no information has been provided is really not correct. The Government made a full statement to the Parliament. It tabled the report prepared for the South Australian Police Commissioner. That paper outlines the proposals for an anti-corruption strategy. It tabled those parts of the NCA report which it felt able to table and which the NCA agreed were appropriate to table. It outlined fully what the next step would be.

The Government firmly committed itself to an Anti-Corruption Unit. It then indicated the next step was for a ministerial committee (Dr Hopgood, the Police Commissioner and myself) to prepare recommendations for the establishment of the unit. That ministerial committee is to be serviced by a committee of officers headed by Mr Kym Kelly, the Deputy Crown Solicitor and comprising Mr Andrides of the Minister of Emergency Services office and a police officer nominated by the Police Commissioner.

The role of those groups will be to consult with the NCA, with the Fitzgerald inquiry and probably with the New South Wales Police Force, because it has an anti-corruption squad which is referred to in the NCA report.

The Hon. M.J. Elliott: And an independent commission as well.

The Hon. C.J. SUMNER: Well, the NCA refers to an independent commission; it does not recommend it. It refers to a unit in the New South Wales Police Force—an Anti-Corruption Unit which is not independent. On my reading of the report, the commission favours an Anti-Corruption Unit similar to the kind that exists in New South Wales. The Chairman of the NCA said publicly, on a number of occasions, that he supports that sort of Anti-Corruption Unit in police forces around Australia.

The Hon. M.J. Elliott: As well as other things.

The Hon. C.J. SUMNER: No, I am not sure that he said, 'As well as other things'. On my reading of what the NCA report has said on this particular matter—and the recommendation is clear in so far as the NCA recommends against the establishment of a royal commission or such other inquiry in South Australia—it tends towards the establishment of an Anti-Corruption Unit. The statement that I made to Parliament and the statement made to Parliament by the Minister of Emergency Services stated that there was consultation with the NCA on that statement and, in so far as it related to NCA opinions, it agreed with the statement to be made.

So, we have committed ourselves to an Anti-Corruption Unit. That is the first step and it is a significant step. We have tabled all the material that we possibly can up to this point in time, that is, the material that is around and not in the public arena that is now in the public arena.

We must now address all of the matters raised by the Hon. Mr Burdett. The role of the ministerial committee is to examine all of those matters raised by the Hon. Mr Burdett and then come up with a proposal. When that is completed, the results of that ministerial committee examination will be made available to the Parliament.

The Hon. J.C. IRWIN: I seek leave to make a brief statement before asking the Attorney-General a question about the anti-corruption strategy.

Leave granted.

The Hon. J.C. IRWIN: The Attorney-General's ministerial statement of Tuesday focuses on corruption in the Police Force and the establishment of an Anti-Corruption Unit to deal with that. However, the papers accompanying that statement do refer to strategies for dealing with corruption in the public sector and the wider community. The proposal for an anti-corruption strategy includes the following:

> 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.

My questions to the Attorney-General are:

1. Does the Government intend to address this issue?
2. How will that issue be addressed?

The Hon. C.J. SUMNER: The honourable member quoted from the paper that was prepared for the Police Commissioner. I have said, and repeat, that that paper will form one of the documents to be considered by the ministerial committee. It contains some valuable suggestions and will certainly be taken into account when formulating the final recommendations. I should say that I have no evidence to indicate any widespread or organised corruption in the public sector, for instance, in South Australia. I would have thought that, if there were, it would be very hard to keep that quiet within the South Australian community.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: There have certainly been rumours about police corruption prior to the most recent events.

The Hon. R.I. Lucas: You said you wouldn't do anything.

The Hon. C.J. SUMNER: That is not correct. I said that, in order to justify the establishment of a royal commission or an independent commission into corruption in South Australia (which, when this matter was first raised by the Hon. Mr Gilfillan on the front page of the *Sunday Mail,* was accompanied by some quite extreme and dramatic statements), there would need to be much more evidence of allegations of corruption within the public sector particularly before such a proposal was proceeded with. Obviously, the Government would not ignore any allegations of such corruption if they were brought forward. When those matters were raised in the *Sunday Mail* by the Hon. Mr Gilfillan and, I understand, by journalist Mr Wordley, in which Mr Bottom was quoted, Mr Bottom subsequently repudiated the article and repudiated the people involved in it by saying that it was a 'beat up'—

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: That is what he said. I have a full transcript of what he said. He was not very complimentary about the honourable member, if he really wants me to read it out to him. In fact, he was most uncomplimentary.

The Hon. R.I. Lucas: Why don't you read it out to us?

The Hon. C.J. SUMNER: All right, I will. This is from the 5DN Vincent Smith program 'Crime probe' on 9 May 1988 when Bob Bottom was interviewed:

> Inquiry to look into alleged police corruption, secret commissions, bribes, hospitals, roadworks—

this is it; this is Gilfillan—

> and building zoning. The Democrats, led by Ian Gilfillan, have got behind Bob Bottom. They say they'll seek to establish an independent body to investigate Bob's claims. Bob Bottom joins us now—Good morning Bob. How much evidence have you got against some of those people in those authorities in South Australia?

Bob Bottom replied:

> With that preamble, I might point out that it wasn't a case of the Democrats getting behind me. The background to that is that all last week I was interstate—in fact I was in Queensland and New South Wales and what not—and almost by the hour people were calling me from South Australia, to talk to me about this proposal they had. And, in fact, it wasn't until Friday that I eventually did speak to them over there, and I might say at the outset that I warned them, at that stage, if they intended to make this move in South Australia they ought to do it responsibly. In fact I went to great pains to mention that (and I've now been involved, I think, in 16 royal commissions and judicial enquiries and the like. They shouldn't go off, and should do it properly.

The Hon. T. Crothers: Was he talking to the Democrats?

The Hon. C.J. SUMNER: I do not know whom he was talking to. The Hon. Mr Gilfillan would know whether he was ringing Mr Bottom interstate by the hour requesting him to come to the phone to respond to him. Mr Bottom continues:

> Now, what apparently has happened is particularly in the *Sunday Mail,* they've run a beat-up—

but not just an ordinary beat up, he says, 'an absolute beat up'. This is the front page of the *Sunday Mail,* from the Hon. Mr Gilfillan, on what I was supposed to have said on Friday. The article continues:

> —which is just not on. In fact, I had indicated quite frankly back to the Democrats—

yes, back to the Democrats—

> and the *Sunday Mail* that, if they mucked it up, I would not have a bar of it, and I am very much inclined that way today.

This is 9 May 1988, the Monday after the *Sunday Mail* article in which all these allegations were prompted, pro-

moted or kicked along a little by Mr Gilfillan of the Democrats. That was Mr Bob Bottom's response. Then he goes on:

The fact is this—all States in Australia do need independent commissions . . .

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Well, I will go on. On 19 May 1988, Mr Bob Bottom had this to say in reference to the South Australian Police Force:

. . . because not only do I say it's one of the cleanest Police Forces: I always contend and I always repeat that I believe it is actually the cleanest Police Force in Australia, though it does have, has had, some problems and probably always will have some, but as you said, you've got to put it in perspective.

Further in that same article, in another interview with Mr Vincent Smith, he says:

Nevertheless, it is wrong to suggest that South Australia in the Police Force has got institutionalised corruption, because that is plainly not right.

This is Mr Bottom. Further, he says:

In South Australia, you have got David Hunt, the Commissioner, who is respected in every State of Australia. So, there is no problem there; he is a very good Commissioner.

Now, what was the question I was supposed to be answering?

The Hon. L.H. Davis: You thought you were on talkback.

The Hon. C.J. SUMNER: I thought I was on talk-back. I should commend Her Majesty's official Opposition for allowing me to refer to the issues in the *Sunday Mail* and Mr Bob Bottom's response.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I was very happy on that occasion to respond to the Opposition's demands that I reveal—

The Hon. R.I. Lucas: Insistent demands.

The Hon. C.J. SUMNER: —insistent demands from members opposite that I reveal to the Council the situation with respect to the *Sunday Mail* articles, Mr Bob Bottom's involvement with them, and Mr Ian Gilfillan's involvement with them. I am pleased to place that on record. However, to return to the Hon. Mr Irwin's question, following those allegations, the Government wrote to a number of people. I think the Chairman of the Health Commission wrote to Mr Bob Bottom. I wrote to Mr Ian Gilfillan, and I think the Police Commissioner wrote to Senators Hill and McGauran, because a week or so later they also made some further allegations. Those people were invited to come forward with specific allegations particularly relating to non police corruption, because obviously at that stage there was some evidence relating to police corruption, as the matters were before the courts. However, the allegations in the *Sunday Mail* were much broader than that, and I have already referred to them. They were introduced, as I said, by Vincent Smith in the following terms (and this is what I believe was in the *Sunday Mail*):

Police corruption, secret commissions, bribes, hospitals, road works, building zoning, all matters relating to the public sector generally.

So, I invited those people to come forward with specific examples or allegations that they might have in that area. In addition, I said that if the individuals themselves were afraid of coming forward I would make myself personally, the Crown Prosecutor or the Police Commissioner, available to interview them. Further I said—and I made this offer—that if the individuals (who apparently must have contacted Mr Gilfillan) were still concerned about coming forward, the Government would be prepared to pay, in principle, the reasonable legal costs to enable those individuals making the accusations to go to private lawyers and to discuss with them the best way of bringing forward their allegations.

Obviously, that was not a *carte blanche* offer, but it was an offer so that, if a person wanted to come forward, the Crown Prosecutor would negotiate with that person's lawyer and that we would pay the reasonable legal costs to enable that to occur. The reality is that the Hon. Mr Gilfillan has not produced any evidence of corruption in those sectors, and none of the people written to have produced any evidence of corruption in the broader public sector. That is the reality as it is at the present time.

Does that mean that the Parliament or the community wants to set up an independent royal commission or something like the New South Wales Commission of Inquiry into Corruption without, at this stage at any rate, any evidence to suggest that there is corruption in the broad public sector? There may be, but one does not act on maybes; one acts on some basis of evidence. I think that that is the responsible course of action for the Government to take. If there are allegations, let them be brought forward, and we will investigate them.

That does not mean, of course, that the general question of corruption—that is, apart from the Police Force—will not be part of the ministerial committee's brief. The general question of corruption has been referred to in the Police Commissioner's paper, and it will be part of the ministerial committee's brief. I would anticipate that the report produced by the ministerial committee, which will be made available to the Parliament, will address the question of anti-corruption measures in the community generally.

The Hon. R.I. LUCAS: I direct my questions to the Attorney-General, as follows:

1. In the six years of the Bannon Government, how many investigations into allegations of improper conduct by South Australian police officers have been conducted?

2. Given that the Bannon Government has now been in power for almost six years, does the Attorney-General accept that the NCA is referring primarily to the Attorney-General, the Chief Secretary, and the Premier when it says in paragraph 12.1 of its report:

It seems to the authority 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.

If not, to whom is the NCA referring?

The Hon. C.J. SUMNER: As far as I am aware, the answer to the second question is 'No' (and if it is any different I will advise the honourable member), the NCA is not referring to the South Australian Government. I should say that I, on behalf of the South Australian Government, as far as anti-corruption and organised crime are concerned, shortly after its election in (I think) June 1983, attended with the Hon. Mr Griffin a summit in Canberra relating to the establishment of a national crime authority.

The South Australian Government, and I as Attorney-General, fully supported the establishment of such a body and have given it support since. So, to suggest that the South Australian Government is responsible for a lack of resolve in these matters is, as far as I am concerned, quite clearly incorrect. I do not believe that the NCA was referring to the South Australian Government and—

The Hon. R.I. Lucas: Well, whom is it referring to?

The Hon. C.J. SUMNER: I assume that its reference in that report is to—

The Hon. R.I. Lucas: The Police Commissioner?

The Hon. C.J. SUMNER: Well, I am not sure about the Police Commissioner. As I said before, the Police Commissioner has the full support of the South Australian Govern-

ment. Presumably, it is referring to that lack of resolve existing in the Police Force. But, that is the NCA's opinion.

The Hon. R.I. Lucas: What—senior officers in the Police Force, but not the Commissioner?

The Hon. C.J. SUMNER: Well, you can perhaps ask the NCA whom it is referring to.

The Hon. R.I. Lucas: I am asking you. You are the Minister.

The Hon. C.J. SUMNER: It is not my report. The report has been tabled, in so far as it can be, in this Council, and I would have thought that rather than carping about that—

The Hon. R.I. Lucas: I am not carping; I am just asking a question.

The Hon. C.J. SUMNER: I know—the Government ought to be applauded for having tabled the precise wording of the NCA in its conclusions in that report.

The Hon. R.I. Lucas: Well, it has to be you or Hunt.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, it is certainly not referring, as far as I am aware, to the South Australian Government. If it was, I would refute it. I would say, as I did just then, that very shortly after the Bannon Government's election in 1982 proposals for a national crime authority were put forward and I, as Attorney-General, having the main carriage of the negotiations relating to that national crime authority, supported it. I supported it before the summit; I supported it at the summit, as the Hon. Mr Griffin will remember because he was there; and I continued the negotiations with the Federal Government through the latter part of 1983 and, I think, early 1984 to see the successful establishment of the NCA. I have been the South Australian Government representative on the intergovernmental committee ever since.

So, our resolve to deal with these issues has always been there and, as I said in the ministerial statement, remains. You can draw whatever conclusions you like from the NCA report. It has been tabled. It is not edited in any way; that part of the report is not edited; its statement is not edited; and words are not cut out or anything like that. You can draw your own conclusions.

The Hon. R.I. Lucas: It has to be you or—

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I believe that it is referring to the Police Force, yes; what levels I am not able to say. But, the NCA can speak for itself on this matter. As to the first question, I do not have that information, obviously, but if it is available and can be made available to the honourable member, I will bring back a reply.

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the NCA report.

Leave granted.

The Hon. I. GILFILLAN: The one chapter of the NCA report which was tabled states (page 123):

> One possible [and I repeat '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.

On the following page one sees this:

> Second, the concept of a commission against corruption, as demonstrated by the Independent Commission Against Corruption in Hong Kong, could be considered . . .

Where does the Minister read in those statements that there is a positive and unequivocal recommendation by the NCA that option 1 is the only option to be followed (in other words, an internal unit)? Does the Minister agree that the independent commission against corruption, as mentioned in option 2, is different from a royal commission to investigate the police and very similar to the legislation that has been passed in New South Wales to set up an independent commission against corruption similar to the Democrats proposal?

The Hon. C.J. SUMNER: There are a number of options canvassed, as I recollect, and of course there will be a number of options canvassed by the ministerial committee. The Hon. Mr Burdett has put forward very comprehensively already this afternoon the sorts of options that might exist with respect to the establishment of an Anti-Corruption Unit. They will be examined by the ministerial committee and the ministerial statement makes that quite clear. We will examine the relationship of the unit to the police and to the Government; we will examine the structure of it, and look at whether there need to be people from the outside on it. All those things have to be looked at.

The Hon. I. Gilfillan: Will you look at an independent commission?

The Hon. C.J. SUMNER: No, we are not going to look at an independent commission.

The Hon. I. Gilfillan: The report suggests you do.

The Hon. C.J. SUMNER: So far, I can assure the honourable member that at this stage, unless he wants to come forward with a little bit more evidence, we do not believe there is sufficient evidence of widespread organised institutional corruption, either within the Police Force or the public sector, to justify the establishment of the sort of commission that has recently been established in New South Wales, nor do we believe that it is justified to establish an *ad hoc* royal commission to examine those matters. That is clear from the statement; that has been excluded. We will not go down the New South Wales road.

The Hon. I. Gilfillan: What has changed since—

The Hon. C.J. SUMNER: We did not go down it in 1982. The honourable member has had his say in his Address in Reply speech. He has already indicated that he will introduce a Bill, and, when he does that, he can make his case and I will respond to it, because by then we will see whether or not he is going down the New South Wales road as far as its Anti-Corruption Commission is concerned. Then, we will know whether it is going to be New South Wales, Hong Kong, Fitzgerald or whatever. At the moment we do not know; we just know that he is talking about an independent commission. We do not know by whom it would be constituted, or what sort of investigatory powers it would have, what compulsory powers it would have in terms of getting witnesses before it, etc.

Moreover, we have not had from the honourable member or from the other people that we wrote to any evidence to suggest that such a commission is justified in this State. I should add that when the honourable member introduces his Bill, at least this House of Parliament can debate it. The Liberals can consider the proposition and decide whether they want to go down the New South Wales road, the Queensland road, the Hong Kong road, or whatever. But the Government's position at this time is that we have rejected the idea of a Fitzgerald-type royal commission. We have rejected the idea of a commission such as has been proposed but not yet put into effect, I understand, in New South Wales. The NCA report, as I understand it, did not refer to those sorts of things in any event; it referred to the independent commission in Hong Kong as one of those things that could be considered.

The Hon. I. Gilfillan: As an option.

The Hon. C.J. SUMNER: The honourable member says, 'As an option.' Suffice to say that the statement that I gave to the Parliament was checked with the NCA, which was

happy, as I understand it, with the recommendations made for the establishment of an Anti-Corruption Unit. The nature of that unit, its structure, etc., will now be the subject of further consultation and discussion with the NCA, with the New South Wales police and with the Fitzgerald inquiry before the final proposals are brought back and revealed to Parliament.

VIOLENT MATERIAL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about violent material on audio-recordings.

Leave granted.

The Hon. DIANA LAIDLAW: In February this year I drew the attention of the Attorney to a number of audio-recordings which were available in South Australian stores and which were banned in the United States—and I understand in the United Kingdom also—because of the violent content of the words.

The Hon. K.T. Griffin: And pornographic.

The Hon. DIANA LAIDLAW: The Hon. Mr Griffin suggests pornographic, too, but I was highlighting only the violent content of words. One, for instance, was a record by Dead Kennedys, a song called 'I kill children'. Another was by Painters and Dockers, and I do not intend to read the words today. On 3 March, the Attorney replied in part:

> In view of the advice given to me with regard to violence and obscene material on audio-recordings, I will have this particular matter raised at the next meeting of Ministers responsible for censorship.

I understand that a meeting of Ministers responsible for censorship was held in Darwin in June. My questions are:

1. Can the Attorney confirm that he raised the subject of violent and obscene material on audio-recordings at this June meeting?

2. If so, did he propose any course of action and what was the outcome?

The Hon. C.J. SUMNER: There has been some discussion on this matter at that ministerial level. I do not think any specific recommendations have arisen out of it but I will get a detailed and considered report and bring back a reply.

HODBY, FIELD, SCHILLER AND SWAN SHEPHERD

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a number of questions on the subject of Hodby, Schiller, Field and Swan Shepherd.

Leave granted.

The Hon. K.T. GRIFFIN: I have received letters and phone calls from a number of the creditors of Hodby, Schiller, Field and Swan Shepherd with respect to the proposal to pay 100 cents in the dollar of the capital sum lost by creditors as a result of the substantial defaults of these people. That proposition is to make payment out of the Agents Indemnity Fund.

Many of these creditors have suffered considerable losses over and above their capital. They have lost interest on their capital. If invested they could have received at least 14 per cent per annum return. They have been told that they cannot claim that. Others have deferred building plans, and that has resulted in escalating costs so they have lost both ways—no interest on their capital and increased costs of building because of the delay. Some have raised with me their uncertainty as to when they will be paid 100 cents in the dollar of their capital loss. Some believe that an instalment will be paid by 30 September 1988 but have no indication as to when the balance will be paid. They have been told that, if amounts have not been paid within 12 months after the date of their claim, they will be paid 5 per cent per annum interest which, of course, does not compare favourably with current interest rates on overdraft of about 17 or 18 per cent. If one takes into account the losses of interest on investment, both as a result of the delay so far and the prospective further delay, some creditors believe that they will get an effective dividend of between 50 per cent and 60 per cent of their total losses. My questions are:

1. When will the creditors receive all their lost capital?

2. Is there any way they can also recover from the Agents Indemnity Fund any part of interest lost or frozen and other losses incurred directly as a result of the default of Hodby, Schiller, Field or Swan Shepherd?

The Hon. C.J. SUMNER: I have had discussions at various times with the people who have lost money as a result of this criminal behaviour by the agents to whom the honourable member referred. Of course, what we are faced with is using the fund to cover loss which has occurred because of criminal activity.

If it were not for the fund, people defrauded in this way would not be entitled to anything. At this stage it is very hard to give a guarantee that they will be paid the full capital and full interest for all the period that they lost and placed back into precisely the same position as they would have been had they not been defrauded. What I have said—and this is still the position as far as I am aware—is that the Government will do what it possibly can, and I am optimistic that it can pay 100 per cent.

I understand that the timetable was for some interim payments in the Hodby matters to be paid by September but I am not sure whether that deadline can be met. Because I have not heard anything to the contrary, I am hopeful that it can be. As I said, the Government is doing everything possible to ensure that these people, defrauded by this criminal activity, are recompensed as far as practicable. It may be that some interest can be paid but I am not in a position to indicate that at this stage. The claims must all be assessed, as must the state of the fund. The Government expects there to be an increase in the amount of money in the fund as a result of the change in the method of calculation of interest on the trust accounts of agents that goes in to make up the fund. I hope that the people who have lost will receive a substantial recompense. The Government has aimed at 100 per cent, and I repeat that I hope that that can be met. I am optimistic that it can be met, that there will be interim payments and that the question of interest will be considered.

PERSONAL EXPLANATION: CRIME AND CORRUPTION

The Hon. I. GILFILLAN: I seek leave to make a personal explanation.

Leave granted.

The Hon. I. GILFILLAN: During Question Time the Attorney-General saw fit to imply that I had been responsible for sensational publicity in relation to crime and corruption in South Australia, and he referred to the lead article in the *Sunday Mail* of 8 May. Under the heading 'SA Police Probe Call', the article reads:

> Crime fighter Bob Bottom claims he has fresh evidence of police and Public Service corruption in South Australia. He last night called for a Fitzgerald-style inquiry and offered to travel to Adelaide to give evidence. His call for an inquiry has been sup-

ported by SA Democrats Leader, Mr Gilfillan, who said the air needs to be cleared.

It then goes on to say:

Mr Bottom said: The inquiry should be given the widest possible powers to investigate not only alleged corruption of police, but also claims that secret commissions and bribes have been paid to public servants by private contractors. I have reason to believe some areas of concern in South Australia include hospitals, roadworks and building rezoning.

I doubt whether I need to explain that, if I had been responsible for sensational publicity, it is unlikely that I would put forward material, promoting Bob Bottom calling for this particular inquiry, completely falsifying the facts.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Ms President, I seek some protection; otherwise I will ask for further licence to go on.

The PRESIDENT: Order! I have called for order.

The Hon. I. GILFILLAN: Well, I hope it is effective.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: The original article was written by Dick Wordley, who contacted me. It was not an initiated press release on my behalf. He contacted me because he knew that I was concerned about it. The article that he wrote was so disjointed by the *Sunday Mail* that he threatened legal action and the *Sunday Mail* printed another version in its next edition. That is hardly the consequence of my beating up and sensationalising a story.

As for Vincent Smith, he saw fit to get in touch with Bob Bottom before there had been any communication between Bob Bottom and me about this story in the *Sunday Mail.* He was not even courteous enough to let me know that he was discussing the issue on his program let alone ask me to comment on it. The Attorney-General, who quite unfairly read those statements as fact, is guilty of the same crime as he took great pains yesterday to accuse—

The PRESIDENT: Order! I ask the honourable member to withdraw allegations of criminality against the Attorney-General.

The Hon. I. GILFILLAN: I apologise and certainly do so.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: I indicate that it was apparently appropriate for my incessant interjector to make a ministerial statement denying the truth of a story in the *Sunday Mail.* If it is good enough for him, why is it not reasonable as part of my personal explanation to accept that the *Sunday Mail* gets it wrong, frequently and profoundly. As for Vincent Smith's program, I suggest that before it is quoted as definitive fact, it is reasonable to ask what was the background to the circumstances that produced that program. My explanation is that I have no objection to being connected with calls for setting up a commission against corruption in South Australia but I do not intend to take responsibility for what was quite clearly recognised as irresponsible and wrong reporting by the *Sunday Mail.*

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 17 August. Page 291.)

The Hon. M.J. ELLIOTT: Last evening, I discussed several sections of the Governor's speech that caused me concern. Today I will address a couple of other points. The first concerns the passage which reads, '. . . an aim to attract defence and aerospace industries into South Australia'. I am an advocate of the concept of armed neutrality. Disarmament is an ideal but it is not achievable in the foreseeable future. I can also see the benefits of manufacturing our own armaments in terms of self-reliance, improved terms of trade, improved employment opportunities and spin-offs for high technology industry outside armament manufacture. However, I issue words of warning. They are not mine but are those of President Eisenhower in his farewell broadcast to the American people on 17 January 1960, as follows:

Until the latest of our world conflicts, the USA had no armaments industry. American makers of ploughshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defence; we have been compelled to create a permanent armaments industry of vast proportions . . . This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State House, every office of the Federal Government. We recognise the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources, and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defence with our peaceful methods and goals, so that security and liberty may prosper together.

His warning went unheeded. The United States now spends approximately 25 per cent of its gross domestic product on the business of war. Was it simply a response to the Russian and Chinese threat? Was there a positive feedback as each country armed up against the other? More importantly, what part did vested interests play? What part was played by local members who did not want to see an armaments factory closed down but expanded? We are now inviting those interests into Australia. I accept, as did President Eisenhower in 1960, that we must have our own armaments industry, because it has many positive benefits. I only hope that South Australia and Australia are far more careful than the United States with respect to influence over its armaments industry.

There is one other point in the Governor's speech on which I will address each member briefly. I note that legislation is to be introduced to make it an offence to obtain access to or enter a computer system without lawful authority. I have raised questions in this place previously to the effect that I am gravely concerned about the possible implications of abuses of databases, particularly those kept on computers. I listened with interest today when the Hon. Mr Griffin asked questions about the Justice Information System. I am gravely concerned that such powerful systems are governed simply by administrative and not legislative means. It is my intention in this session to bring forward legislation to address this situation so that there can be no possible abuse of computer databases or any form of data in Government or private hands, and whether stored on computer or on paper.

There are other matters in the Governor's speech that I would like to have addressed, but I am sure that there will be other appropriate times to discuss them. There are two issues which I wish to address but which were not specifically covered by the Governor. The first is the question of the greenhouse effect, which was raised in the Address in Reply debate in the other place by the Hon. Mr Goldsworthy. He said that the greenhouse problem was an excellent argument for the use of nuclear power in place of fossil fuels. I am afraid that Mr Goldsworthy displays a great

level of ignorance, and I will try to explain why the sorts of assumptions he makes are plainly false.

I will quickly explain how the greenhouse effect works so that the arguments against using nuclear power as an alternative fuel source are clearly understood. In simple terms, the greenhouse effect works in a similar way to glasshouses used by horticulturalists. Visible light enters the glasshouse and is absorbed by the surface of plants or the soil and it may be reradiated in a form of infra-red radiation which does not easily penetrate glass but in fact tends to be reflected. Therefore, more energy arrives than departs and there is a heating effect, and eventually there is an equilibrium temperature. In a similar way our atmosphere creates a greenhouse effect. It is not a new phenomenon: as long as we have had an atmosphere there has been a greenhouse effect. Many gases such as methane, nitrate oxides and, obviously, carbon dioxide and modern gases such as chlorofluorocarons and the like allow visible light to enter the atmosphere, but they tend to absorb infra-red which is escaping. As a consequence, there is a global greenhouse.

The earth's surface is much warmer than would be the case if it were not for the presence of our atmosphere. It also goes through fewer fluctuations in temperature. Modern humanity has introduced a large number of greenhouse gases into the atmosphere. Carbon dioxide levels have increased markedly and other gases which were not naturally present in the atmosphere, such as chlorofluorocarbons, nitrous oxides, and so on, have been injected into the atmosphere increasingly rapidly—in fact, more rapidly than carbon dioxide. For some time now scientists have predicted that there is potential for the earth to heat up, although it would not be a rapid process. In fact, the ocean will tend to absorb much of the heat build up to start off with so that the temperature will not rise much. Most honourable members would be aware that water has the capacity to take in a great amount of heat for a relatively low increase in temperature. The predicted consequence is that the earth will heat up by something like 1.5 to 4.5 degrees over the next 40 years or thereabouts. It is not a massive increase but it has very important global implications. It is not a matter of just being a bit warmer and enjoying it, as the Hon. Dr Hopgood said on television one night, to my horror.

The Hon. I. Gilfillan interjecting:

The Hon. M.J. ELLIOTT: Yes, he is supposed to be an expert on the subject yet he made a comment like that. It is not a simple question of the earth becoming a little warmer; there are a number of other important consequences. An obvious consequence, and one that the Hon. Dr Hopgood has cottoned on to, is that the sea will start to rise simply due to the warming of the water. Water expands as it is heated. It is thermal expansion which is driving the current steady rise in ocean levels. At the moment they are rising at the rate of about 1 centimetre a decade, but we expect that to accelerate. The impact of melting ice caps, retreating glaciers, and so on, is not likely to start for another 50 years, so we leave that problem for future generations.

There are more important direct implications for the generation of children growing up now, and I refer to my children and, of course, other children. If the temperature of the globe starts to alter, the climatic bands will start to shift. In simple terms, the bands at the equator will expand: the bands in the Northern Hemisphere and Southern Hemisphere will expand north and south respectively. Therefore, we will have a slightly wider tropical zone, which is expected to be warmer and slightly wetter. The area which has summer maximum rainfalls is expected to shift farther south, and there is already some evidence that the average rainfall in summer has increased in northern New South Wales and in South Australia over the past 30 years or so. The dryer band immediately below that will shift farther south and Adelaide itself may be affected marginally, although it is very hard to make precise predictions about particular smaller regions—(it is easier to talk at a global level) because of the complications of the size of nations and their interraction.

There will be quite a dramatic shift in climatic zones. For some farmers, perhaps those in northern South Australia, that may be a bonus. However, for some, particularly those in the marginal wheatland areas, it is likely to be a negative. On balance, Australia will probably will not be too badly off. Where we lose in one area we will pick up in another, although there will be no comfort for a farmer whose production drops by 1 per cent or 2 per cent.

The Hon. I. Gilfillan interjecting:

The Hon. M.J. ELLIOTT: That will be affected not by the shifting climatic zones but by the rising oceans. It will have dramatic global implications because whole countries will have increases and decreases in production. It is very easy for us to shift our resources around within one nation, but where you have adjoining nations and one has a dramatic increase and the other a dramatic decrease the lessons of history suggest that there will be dramatic implications at the political level.

The Hon. R.I. Lucas: We may have a net benefit as a country.

The Hon. M.J. ELLIOTT: That is possible. The calculations that I have seen so far suggest that we may have a net benefit, although the infrastructure costs that we now provide in good places will effectively go to waste. The United States is likely to be a net loser, and there is some sort of justice in that as it has contributed almost a quarter of all greenhouse gases so far. Countries such as Canada and the USSR are likely to have a net benefit because they will have longer and slightly warmer growing seasons (they have very short seasons at the moment). Also, they could possibly have more precipitation at a useful time. There are dramatic global implications. All of us have a responsibility in this area, particularly those of us in the Western world, where our consumption is so much higher. As I have said, the United States produces something like 25 per cent of the greenhouse gases and, *per capita*, Australia appears to be almost as sinful. Although we are a small country there is no way known that we can ask China to forget about using fossil fuels if we continue to waste them as we have until now.

As to the implications of the rising sea level, in simple terms you do not want development near the sea unless you are prepared to spend money on engineering solutions, putting in breakwaters and the like. In any event, in the longer term that may be a waste of effort. Other changes also need to be considered.

If the sea level rises, water tables rise, and that will have implications, for instance, in the South-East of South Australia, where already because of irrigation the water tables have dropped. There is a possibility that there may be invasion of the water tables by seawater. That is a quite likely outcome in the longer run. Of course, if the sea rose by a metre, the barrages at Goolwa, which are overtopped only very infrequently (although it has happened a couple of times in the past few years) would be overtopped more frequently. In fact, a breakthrough of the sand dune system near Goolwa is also a possibility, and that puts all the lake system around Goolwa and the Murray River, and up as far as probably Mannum, at grave risk. The implications of

that are quite obvious. It even has implications perhaps for Adelaide's water supply. The rising sea level also means that a river will drain less quickly after a flood. That has implications for the flood plains of the Murray River, particularly if the changing climatic band changes frequency of flooding and height of floods. All those things are 'maybes' but 'quite likelies' as well on what I have read so far.

That is a quick excursion into the sorts of things that the greenhouse effect might mean to us. In Adelaide itself places built in flood plains which flood infrequently will flood more often. The sort of things we saw in the northern parts of Adelaide just recently might be more frequent.

Now, what of this argument that nuclear power could solve the problem—that nuclear power will ensure that we do not have a greenhouse effect because we will not burn fossil fuels? I am afraid that Mr Goldsworthy probably started off on the assumption that nuclear power is a good thing and that, the more of it we have the more uranium we can sell; and, using that as as basis, he decided that we should go that way.

Let us examine the potential for nuclear power to solve the greenhouse effect. Perhaps we should first look at the United Kingdom Royal Commission on Environmental Pollution, 6th Report, entitled *Nuclear Power and the Environment.* The commission, chaired by Sir Brian Flowers, looked at this point quite specifically, not in relation to the greenhouse effect, but in relation to whether the use of nuclear energy by the developed world would release fossil fuels for developing countries—the same point from a different angle. The commission reported:

> The proposition seems plausible but we are not convinced by it. The high demands of industrialised countries for fossil fuels will continue for many years, not least to sustain the economic growth which will be required to support the large and costly nuclear programs. We find it hard to see that nuclear development will release fossil fuels to an important extent unless the political will were to exist in industrialised nations to bring this about by a large redistribution of income, and this does not appear likely.

The reasons for this conclusion are several. First, nuclear energy provides electricity only. To the extent that this electricity is used in factories in a growth oriented economy increasing amounts of materials must be transported to, and finished goods transported from, the factories. Transport is based on fossil fuel and will continue to be into the foreseeable future. Moreover, not all the energy using processes in factories use electricity. Most extraction and processing which makes materials available to manufacturers is fossil fuel based: metal smelting, chemical manufacture, etc.

Secondly, nuclear energy is capital intensive. To generate the up-front capital to build nuclear power stations implies a growing economy with sufficiently rapid growth in investment capital. This is an economy which uses more fossil fuel, at the very least, while it makes the transition to nuclear. In this connection it is highly significant that in 1973-74, when the price of oil went up, there was not an increase in the building of nuclear power stations. On the contrary, with the exception of France, nuclear power station orders went into a steep decline from which they have never recovered. Thus, in both its development and use nuclear power is linked to increasing fossil fuel consumption.

Around the world electricity only accounts for about 10 to 15 per cent of energy processed by man. When I say 'processed' I mean that we use energy in the growing of crops, etc., by way of solar energy, but, in terms of the energy that we use for vehicles, for production, etc., electricity supplies only 10 per cent to 15 per cent.

If nuclear could substitute for fossil one would have expected an increase in nuclear power station orders following the 1973-74 oil price rise. As already mentioned, this not only did not happen but also nuclear power station orders were cancelled in droves. To the slight extent that oil was being used for electricity generation some of this small amount may have been replaced by nuclear in the US. However, it is clear that in the past 15 years conservation has made a far greater contribution to US energy availability than nuclear.

In 1980 the world used energy at a rate of just over 10 TW made up as follows: 4.2 TW oil; 2.4 TW coal; 1.7 TW gas; 1.7 TW renewables, and just .2 TW nuclear. A terawatt, by the way, is 10 to the 15th watts.

The changes that occurred post 1973-74 clearly illustrate three things: the close linking of nuclear and economic growth with associated growth in fossil fuel consumption; the inability of nuclear to substitute for fossil either technically or economically; and, the greater contribution that can be made to energy availability and to the reduction of carbon dioxide released by conservation.

By the year 2030 the greenhouse blanketing of the earth will be approximately doubled. What needs to be noted is that carbon dioxide will be contributing only half of the greenhouse effect. The other half is coming from nitrous oxide, methane, freons and a number of minor contributors. Therefore, we cannot hope for nuclear to have other than a very fringe effect on the greenhouse effect. We can have a much greater impact if we want to reduce the greenhouse effect by cutting down on production of the greenhouse gases other than carbon dioxide since they contribute 50 per cent of that effect.

There are most clearly things we can do; I refer, for instance, to freons. If chlorofluorocarbons, which I have mentioned already in this place, are removed from the atmosphere, it results in about a 5 per cent to 10 per cent reduction in the greenhouse effect, just like that. Nuclear would be lucky to have an effect of 1 per cent or 2 per cent on the overall greenhouse effect. So, I am afraid that it is really wishful thinking on the part of Mr Goldsworthy and the nuclear industry, although I have no doubt at all that they will continue to peddle that story because it sounds pretty good until you look at the facts.

The Hon. R.I. Lucas: Are there any researchers looking at that at the moment? You said that Flowers has looked at that indirectly. Are other researchers looking at it?

The Hon. M.J. ELLIOTT: I think if you just sit down and look at the arguments you will see that they are very sound in themselves. The fact is that you will not use nuclear for instance, for other than base load electricity.

The Hon. R.I. Lucas: Are you aware of anybody?

The Hon. M.J. ELLIOTT: I am not aware of anybody, no. Governments are only just starting to wake up at this stage. The Hon. Dr Hopgood has become an expert, but generally speaking Governments are still a bit slow. Thank goodness we have him.

Members interjecting:

The Hon. M.J. ELLIOTT: Yes, it is quite amazing that four years ago there was a recommendation by the Coast Management Board. They had a subcommittee set up which was looking at the problem of sea level changes. They recommended then that there should be an inquiry into the possible effects of the greenhouse effect. They wanted monitoring stations put in immediately to see what was happening on the South Australian coast. I am pleased to say that the Government has just set up a subcommittee to look at it—four years later. They also recommended that the ramifications for agriculture should be examined immediately. To the best of my knowledge they have not done a damn thing about that.

The Hon. I. Gilfillan: When did we have our Democrat conference on the greenhouse effect?

The Hon. M.J. ELLIOTT: That was about 12 months ago or perhaps a bit more—14 months.

Members interjecting:

The Hon. M.J. ELLIOTT: We ran the conference because nobody else would at that stage. All the Government departments came along and they knew a little bit more about it afterwards.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: About 150 people were there, and most of them were from industry or from Government departments. I can guarantee that they all took it very seriously. There is a major conference on in South Australia in a little over a month's time. In this case the Department of Environment and Planning is becoming involved in it. That is pleasing. In fact, it is part of an overall national conference.

Nevertheless, I will leave the greenhouse effect for the time being. It is an important issue that we need to confront. First, we need to prepare for the effects of the greenhouse effect. They are not going to arrive in 50 years, and they will not arrive tomorrow. There will be a gradual change over 50 years, involving increased frequency of what are considered to be infrequent events at the moment.

The final issue that I want to look at today is Aboriginal affairs, but, looking at them from another perspective. As I have already commented, I visited the United States a little over a month ago and I examined several issues, some of which I have mentioned already. One was Indian affairs and the parallels that exist with Aborigines. I want to relate two things, the first of which is what I found out about the Klamath who live in Southern Oregon.

I draw some very close parallels with what the Government has tried to do with Aborigines in South Australia. The Government experts and other white do-gooders decided that the Indians desperately needed alcohol and legal programs, so they were set up and they have continued to struggle along ever since. They have continued to operate because the Government is putting in money. They have been set up and pretty well run by the Europeans, but they never got on particularly well.

About 10 years ago, when they were being set up, they were also asked whether there was anything else they would really like. They replied that they would really like a dental program. That seems a strange priority against alcohol and legal programs, but it turned out that that was what they wanted. They had appalling dental hygiene and were distinctly embarrassed by it. They set up the thing themselves and ran it themselves, and I am told that the program runs extremely well. The lesson to be learned in simple terms is that, if people are given a chance to decide what they want and are empowered to operate it themselves, the chances of success are much greater. We have seen success and failure in South Australia on very similar lines.

I had the opportunity to spend a couple of days in the Navajo lands in north-eastern Arizona, which also stretch to New Mexico and Utah. It is a very large area of land in which 160 000 Navajos live. The Navajo is by far the largest of the Indian tribes, with about 20 000 living off the land. They refer to themselves as the Navajo nation. In a legal sense, they are in fact subservient to the Federal Government in so far as they do not have a Federal policy, but in many ways they operate like a subservient nation, perhaps a little like a State. They have their own Government and their own local government set up in a clan system. They have their own police force with all of their own departments. They have about 4 200 public servants, most of whom are Navajo Indians.

The country is not dissimilar from outback South Australia. In fact, I have photographs where you could have sworn I had gone north of Whyalla, where the types of bushes are even from the same genera. It is a very hot and dry place most of the time, although the winters are much colder than our northern winters, I believe. In fact, there would be snow on the ground at times. Agriculturally it is not a good area, although they do run sheep, cattle, horses and goats, and they grow squash and corn. They live very much a traditional lifestyle. In fact, I am told that at least 60 per cent are considered to be fully traditional with 40 per cent of them still living in the traditional Navajo home known as a hogan. It is a circular log home with the cracks daubed with mud, and a mud-daubed roof with a chimney stuck out the top, and that is the most common household accommodation. A single family will live in a hogan. The great majority of those do not have electricity or running water, although I saw the odd one with solar cells on the roof and even the odd one with a satellite dish out the front, which was quite interesting.

The Navajo society is still very much intact. It is a matriarchial society. Most of the people live out in the countryside, not in towns, in clusters of homes. One would find great grandmother living in one, and then her daughters and sons-in-law, and then their daughters and sons-in-law and so on, and their society is run on that basis. They try to live their traditional lifestyle as far as is practicable. From time to time they may leave the family to get a job and the money to buy a pick-up truck. Almost everybody has a pick-up truck. They may want to get solar cells or a refrigerator or perhaps even a satellite dish. Even those who leave the Navajo lands and obtain a university education will quite often retire quite young and return with their wealth to the traditional lifestyle.

They have banned alcohol from the lands. That was their own decision. From what I saw, the people have an immense amount of pride. I never saw the sort of problems we have reported from some of the traditional lands in South Australia. The difference is that the Navajo have been able to keep their traditional lifestyle intact. It is not the lifestyle that the Navajo had when the Europeans first arrived. In fact, when the Europeans first arrived, the Navajo did not have horses or any of the other stock. They were growing squash and corn, but their lifestyle adapted and they used those animals introduced by the Europeans. However, they have adapted further and now have pick-up trucks, and perhaps a satellite dish and a refrigerator, but it is a blend of the Navajo and the Western lifestyles and, as far as I could see, it was working for them. Most importantly, it was working because they had their own pride and they managed to keep that pride throughout.

That is something we in South Australia have managed to take away from the Aborigines and why we are now seeing the anger from the Aborigines. Perhaps in the long run pride will grow from that anger in the same way as the Negroes in the United States went through their black power stage to regain their pride. I am not suggesting that I want to see black power, but it was one way that they got back their pride. If we do not have the good sense to reinstate pride to the Aborigines or give them a chance to do it themselves, they will demand it and take it, and I do not blame them.

I could go on at great length about what I saw of the Navajo nation, but I will not do that. I recommend that anybody who has an interest in Aboriginal affairs gives serious consideration to looking at what is happening with

the American Indians and what has worked and what has not worked. The Navajo nation still depends on Federal funds. About half their money comes from the Government. The other half comes mainly from mining companies, and the biggest single mining company is BHP via Utah Mines. They have a large strip mine in New Mexico, and apparently they get on very well. In fact, the mining companies and the Indians do get on very well, generally speaking.

I fail to see what the great scream is in South Australia about Aborigines getting land rights. That is just part of the deal that perhaps mining companies may have to tolerate. The Aborigines have a right to certain lands and they should get those lands. Negotiations may need to occur, but it has been done with the Indian lands in the United States and it can be done here. Mining companies have to go into foreign countries and make deals, and I see no great hassle about this. In fact, the Indians would not price the miners out because they need the money. In similar fashion, the Aborigines would not price out or put extortionist demands on the mining companies here because, if they did that, the mine would not commence and therefore they would not have that source of funds. With those comments, even though they were not brief, I endorse the Governor's speech.

The Hon. K.T. GRIFFIN: I thank His Excellency the Governor for the speech with which he opened this session of Parliament and I take this opportunity to reaffirm my loyalty to Her Majesty the Queen. I place on record my sympathies for the family of the late Pastor Sir Douglas Nicholls, who was a former Governor of South Australia, and join with all members of the State Parliament in that course of action.

I take this opportunity, too, to welcome my colleague, the Hon. Julian Stefani, whom I have known for many years as a competent, professional and successful businessman. He will certainly be a most acceptable and helpful addition not only to this Council but also to the Parliament. I have no doubt that from his experience in business and in the community at large he will make a very useful contribution to the affairs of the Parliament and will also provide a very effective representation to the many thousands of South Australians with whom he has a close association.

I take this opportunity also to place on record once again my appreciation for the friendship shown to me by my former colleague, the Hon. Murray Hill, who served this Parliament with distinction both as a member of it and as a Minister of the Crown, and who was untiring in his efforts to ensure that his constituency was properly represented in this Parliament. I have no doubt that the record of service that he gave during the course of his time as a member of Parliament will not be the end of his involvement in community life, but that the very essence of Murray Hill and his wife Eunice will enable them to continue that service to and involvement in the community.

I will now address several issues in the legal area where there are significant problems. The first is in the area of the courts. The Chief Justice, in the 1987 Report of the Judges of the Supreme Court, which was tabled at the commencement of this session, stated:

> The pressure on the resources of the court remained intense throughout the year. There was some easing in the number of new processes issued in the civil jurisdiction of the court. This easing is undoubtedly attributable to the increasing impact of the increase in the jurisdiction of the District Court which occurred in 1985, and the first impact of the amendments to the law relating to the assessment of damages for injuries arising from motor accidents which were made by the Wrongs Act Amendment Act 1986. The effect of this easing upon the work of the court was more than neutralised, however, by two factors. The first was a continuation of the trend towards longer trials in civil cases mentioned in the 1986 report, and in particular very long trials resulting from bushfires. The second was an increase in the incidence of lengthy criminal trials.
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> In the result, although the waiting time for civil trials diminished somewhat, the waiting time for criminal trials lengthened. By December the earliest date for which a criminal trial of substantial length could be fixed was June 1988. When it is remembered that many months may elapse between a person's arrest on a serious criminal charge and his committal for trial in the Magistrates Court, a further delay of at least six months in the Supreme Court cannot be viewed with equanimity. The Government has agreed to the appointment of an Acting Judge to the Supreme Court for a period of four months in 1988. This will enable an additional judge to be assigned to the criminal jurisdiction for that four month period and it is hoped that this will stabilise and perhaps improve the situation.

In respect of civil matters, the judges, in that report, said that from the date when a case is ready for trial to the date on which it can be tried a period of just over eight months elapses. That is not such a long period, but in my view it would be desirable to endeavour to bring that back to about six months. Of course, that would allow for counsel and solicitors to ensure that all necessary preparations had been made for the matter to be brought on for trial at reasonably short notice. The criminal jurisdiction, though, is a matter for concern because, at the end of 1987, 80 persons were awaiting trial compared to 65 at the end of 1986 and 59 at the end of 1985. There were 64 outstanding trials at the end of 1987, 57 at the end of 1986, and 49 at the end of 1985. There were fewer trials and fewer persons tried in 1987 than in each of the earlier two years, although a higher number of cases were dealt with.

The figures demonstrate cause for concern as to what is happening in the criminal jurisdiction of the Supreme Court. I have not been able to obtain figures for the District Criminal Court but as at 31 August 1987 the Attorney-General gave information to the Estimates Committees last year that the waiting time was 25 weeks, or about six months. In the civil jurisdiction of the District Court, however, the present picture is deplorable. As at 31 August 1987 the waiting time was 50 weeks, or nearly 12 months—and that is from the date when the case is ready for trial to the date of the trial itself. In May of this year I understand that the delay had extended out to 20 months from when a case is ready for trial until it can be heard in court. Recently I was informed that the waiting time from setting down for trial until trial had exploded out to nearly 30 months, or nearly 2½ years.

I think that everybody would acknowledge that that is deplorable and strategies have to be developed to reduce that delay. One has to take into account that it may take two to three years to get a matter to the point where it is ready for trial and anything from four to five years elapse from the date when the cause of action arose until the date of trial. That, in my view, is untenable.

In May of this year the President of the Law Society is reported to have said that the situation in the courts system was chronic. He said:

> It really is a system which cannot be tolerated. Something has to be done about it. We are aware of the economic constraints faced by Governments. They should also be aware of the problem in our courts system.

The Hon. C.J. Sumner: Try less lengthy trials.

The Hon. K.T. GRIFFIN: I will deal with that shortly. The question has to be asked, 'How did it get to this state?' One of the major reasons must be because of the change of jurisdiction of the District Court from 1 August 1985 which resulted in all cases, where the claim was for less than $150 000 for road accident and injury cases and less than $100 000 for other claims, being taken over by the District Court as a result of Government legislation. I raised the

problem of trial lists in 1985 when the jurisdictional limits were amended by a Bill before this Council. I raised it in the context of expressing concern at the quite substantial increases in jurisdictional limits of the District Court and the effect it might have on that court. The Attorney-General was then unable to tell me how the lists would be when the jurisdictional limits were changed. On that occasion the Attorney-General said:

One of the objectives of this Bill is to see greater cooperation between the superior courts in this State, and I certainly hope, given that this Bill specifically gives a Supreme Court judge jurisdiction to deal with a District Court case, that some balance would occur... For instance, if we had a situation where the Supreme Court had a waiting list of only six months and the District Court a waiting list of 12 months, I would expect judges of the Supreme Court to be made available to assist some balancing out of those lists just as when the District Court lists last year [1984] were seen to be in reasonable shape—about six to eight months—and the Supreme Court list was a bit longer, some District Court judges were made available to assist in the Supreme Court.

Later still, the Attorney-General goes on to say:

If additional judicial resources are needed, that will have to be coped with. Obviously, there is resistance to appointing more judges. There is already a significant number of judges in this State. In fact, for some peculiar reason that I have never been able to ascertain, there are significantly more in the Supreme Court and District Court level in this State than there are in Western Australia, for instance, where the population is the same. I have asked for work to be done on this to ascertain what the difference is, and no-one seems to be able to come up with any sensible answer. However, that is the fact of the matter. We have a large number of judges, and it costs the public purse a significant amount of money to appoint an additional judge. One hopes that the length of trial lists can be dealt with in other ways.

One of the proposals is that contained in this Bill, namely, to give greater flexibility between the higher courts in South Australia. Another proposition will be the greater use of pre-trial conferences, which have been used quite successfully, I understand, in Victoria, New South Wales and Western Australia, and an additional master will be appointed to the Supreme Court to facilitate that situation.

We must look at other means of trying to deal with the length of lists in our courts other than just saying that we will appoint more judges. If that is necessary, we will do that.

That is what the Attorney-General said back in 1985 when we were considering the jurisdictional limits of the courts and the likely impact of the jurisdictional changes as a result of that legislation. That, as I say, was in May 1985, over three years ago, and at least with respect to the District Court the situation has not improved. In fact, it has deteriorated dramatically. In the Supreme Court since that time at least one additional master, and possibly two, have been appointed, so that there are now, as I recollect, something like four masters in the Supreme Court. One is seconded to the District Court and one of those masters as an acting judge of the District Court, heard the case of the honourable Dr Cornwall. Also as I recollect, one of the masters, Master Kelly, is periodically deputed to handle some matters in the Licensing Court.

The Hon. C.J. Sumner: Permanently, for one week a month and for three weeks a month he is a master.

The Hon. K.T. GRIFFIN: That does demonstrate some flexibility, but there has certainly been a quite considerable expansion in judicial resources in the Supreme Court with the appointment of those masters, which, as I say, have been made available to a limited extent to the District Court and to the Licensing Court. But the situation in the District Court is not good. In fact, as I say, it is deplorable and some action must be taken to address that issue. The Australian Institute of Judicial Administration is undertaking some research work on proposals for reform in the courts, but in its publication on delays and inefficiencies in civil litigation, which was a review of delays in the Supreme Courts of New South Wales, Victoria and the ACT in 1985, it did make observations on the common explanations for delay. It states:

There seems to be no clearly identifiable cause of undue delay which specific change can quickly remedy. Sometimes delay is attributed to broad changes in society such as the advent of the motor car, because of the substantial volume of litigation to which it has given rise. New legislation and new claims which it has produced are also frequently mentioned. Modern technology has also been referred to in this regard; the advent of the photocopier and the word processor has been said to introduce delay by making it easier to administer prolix and unnecessary interrogatories. None of these factors leads automatically to delay; they might be the cause of new legal work but there must be additional reasons if this is not handled efficiently.

Another source of delay is said to be the system of judicial administration, that it has changed little from previous centuries, and so cannot cope with modern litigation involving as it does more complex issues and law. In particular it is said that practices and procedures of the courts are antiquated and inefficient in the documents which must be prepared, in the way evidence is gathered and the way trials are conducted.

Lawyers have also been blamed for delays. The majority of matters are disposed of by settlement, but of those cases which come to trial the Personal Injuries Litigation Procedure Working Party in England (Chairman: Cantley J.) concluded that there was a very small percentage where delay 'is clearly due to slackness or incompetence or has been deliberately prolonged in the hope that a virtually hopeless case can be brought to some kind of settlement'. Of trials an editorial in the Melbourne *Herald* opined in 1981 that the average times for trials had doubled in the previous five years: 'We suspect... that legal tatics, rambling submissions and lengthy and often pointless cross examination engaged in by some high-cost counsel do not help.' There has also been adverse media comment on the delays between trial and judgment.

Too few resouces to cope with the growth of court business is another factor sometimes given as the cause of undue delay. As well as the contention that there is a shortage of judges, there is also criticism that the courts are poorly funded in terms of administrative back-up. Resources are not simply financial but involve human skills as well; tasks within the courts such as listing require skill, sensitivity and experience.

There are a number of issues which do have to be addressed with respect to the administration of justice, but it does nothing for the respect in which the community holds the courts if there are untenable delays and if the administration of the court lists is not dealt with as efficiently as possible.

One can make some reflections on the situation in magistrates courts. I am not privy to the current delays in those courts but nevertheless they are, for some defended cases, still quite substantial. The difficulty with the magistrates courts, where you have all the hurly burly of the day to day smaller type offences is that coordination of cases presents some challenges for the administration system. Not only does that impinge on the court itself if cases cannot be scheduled to follow each other with some reasonable speed and matters dealt with expeditiously but also it impinges upon lawyers, both Crown and defence counsel, as well as on police, medical and other witnesses. Frequently police are brought in on days off or when on leave to attend courts and in many instances the cases are not reached where they can give evidence, and you consequently have an accentuated cost to the community ultimately through the inability to ensure that those cases, and the attendance of witnesses, are adequately coordinated.

Although the Justice Information System, hopefully, in conjunction with the computer system which the courts are developing, may assist with scheduling cases more efficiently, there needs to be a higher level of communication between the various agencies of Government, the courts, and the legal profession to ensure that delays are reduced and that the costs of the system are kept to a minimum. The solution to the question of delays is largely in the hands of the Government of the day. No-one else has the power, the resources or the information to endeavour to provide a solution.

It is not for me to advocate spending more money but it may be that that is the only solution. The Attorney-General adverted to that when replying to comments that I made on the Bill concerning changes to jurisdictional limits in 1985. Justice cannot be delayed for such a long period in either criminal or civil jurisdictions. One need only remind oneself of the statement that justice delayed is justice denied.

The Australian Institute of Judicial Administration plays an important part in trying to develop management and other skills and to highlight ways in which some of these problems can be addressed. The publication to which I have referred discusses a number of areas in which reform can be considered, as follows:

Resources:

More judges, more support staff and more facilities and funds would, it is said, reduce undue court delay.

Procedures:

A wide range of reform proposals fall under this head. At a general level it is said that there ought to be greater uniformity between the rules of different courts (Supreme and District/County [in Victoria]; Federal and State) as to procedures, forms and time limits. Running parallel with this point is that court procedures ought to be tailored to the type of matters involved; for example, there ought to be special procedures for personal injury cases. Pleading, discovery and interlocutory procedures have been popular targets for reformers who would streamline or in some cases abandon them in their present form.

Court control:

That leads to the call for more effective case management by the courts to expedite matters, with sanctions applying to parties in cases of non-compliance. Special lists are one example of court control already in operation. Pre-trial hearings and settlement conferences on a wider basis are mentioned by some advocates of court control.

I point out that, at the Supreme Court level, more extensive attempts have been made to hold pre-trial conferences and to limit the issues, and that is now beginning to pick up in the District Court.

The Hon. C.J. Sumner: They have been doing a lot in the District Court.

The Hon. K.T. GRIFFIN: As I said, they are picking up, that is, their use is expanding in the District Court. The Australian Institute of Judicial Administration paper goes on to say:

Institutional change:

The appointment of court administrators is probably the most significant development of recent time. Other reforms proposed are that matters ought to be pushed down from superior to lower courts or to court officers, or out to other mechanisms for dispute-resolution such as court-annexed arbitration. Another possibility sometimes mentioned is the greater use of written argument on the basis that oral argument is too time-consuming. At a more general level there are those who advocate a move away from the adversary system—on the grounds that it leads to the distortion or suppression, rather than the clarification or revelation, of truth—to the inquisitorial method. One development along these lines would be for evidence to be collected as nearly as possible after the event by court officials conducting inspections and interviewing witnesses.

I am not sure that I go along with that although, in the past, I have advocated and I continue to believe that the collection of evidence and even preliminary hearings by the court at a very early stage as soon as possible after the event would reduce the extent to which the recollections of witnesses are challenged and witnesses forget important facts. The institute continues:

Changes in the substantive law:

The example which readily springs to mind is that of a national accident compensation scheme. Its advocates sometimes mention that, in removing the bulk of personal injury claims from the courts to an administrative agency, such a scheme would free judicial resources to reduce delay in other areas.

It may accentuate injustice and provide a grossly imperfect system of providing adequate compensation for those who suffer loss or injury. The publication of the Australian Institute of Judicial Administration refers to lawyers and judges as follows:

Lawyers and Judges:

Greater education, training and discipline are mentioned as ways of overcoming delay for which the profession is responsible—oversights, overwork, a lack of skills or incompetence. Judicial training has also been mentioned.

In those few areas, reform may be undertaken. The Australian Institute of Judicial Administration is a body which is conscientiously pursuing those sort of activities. It is accepted by the Judiciary as a body which can say what is the best way of dealing with these sorts of problems and it can talk to the Judiciary about keeping appropriate records of time spent in sitting and in considering matters in order to ensure appropriate accountability. After all, in this day of high costs and considerable competitiveness, members of the legal profession account for each hour of each day that they spend on professional work.

I turn briefly now to another matter with which there are difficulties, and that is legal aid. In the year ended 30 June 1987, the Legal Services Commission received $9.7 million and carried over $2.1 million from the previous year. That $9.7 million comprised $6.7 million from the Commonwealth, which should be compared with $6.1 million the previous year; $370 000 from the State Government, which should be compared with $750 000 the previous year; $1 million from statutory interest on solicitors' trust accounts; a further $650 000 from interest on solicitors' bank accounts; $550 000 from contributions from clients and cost recoveries from clients; and another $384 000 from interest on reserves. According to last year's budget, for the current year the Legal Services Commission was to receive $8.4 million from the Commonwealth, effectively nothing from the State, and interest and other income in excess of $2.7 million based on last year, which is a total of about $11 million. There was some debate about the State Government wishing to recover $1 million from the Legal Services Commission. At the time of the budget last year, I understand that that had not been resolved and I am not aware of whether that finally occurred.

Of the expenditure in 1986-87, $5.8 million went to private legal practitioners. In that same year, there were 9 442 assignments to private practitioners, although the payments to practitioners in that year were not necessarily for all of those assignments. Some payments would have been made to private practitioners for assignments in earlier years. In 1986-87, 2 278 or 24.1 per cent of assignments were family matters, 5 584 or 62.3 per cent were criminal matters, and 1 280 or 13.6 per cent were civil matters. Substantial numbers of interviews were undertaken by Legal Services Commission staff and a number of cases were taken in-house. My calculations are that about 4 000 cases, in addition to interviews, were handled in-house by the commission in addition to other work. Of the 16 639 applications for legal aid, 2 718 or 16.3 per cent were rejected.

I have some tables which show the disposition of applications by law type, reason for rejection, and the reason for rejection showing a percentage of total law type. They are of a statistical nature and I seek leave to have them incorporated in *Hansard*.

Leave granted.

Table 1—Disposition of Applications by Law Type

	Approved	Advise & Report	Cancelled	Withdrawn	Rejected	Processed
Family Law	2 956	111	8	6	916	3 997
Civil Law	1 627	24	29	9	912	2 601
Criminal Law	8 773	345	16	17	890	10 041
Total	13 356	480	53	32	2 718	16 639

Table 2—Reason for Rejection

	Family		Civil		Criminal		Total
	State	C/wlth	State	C/wlth	State	C/wlth	
Means	19	233	112	354	286	206	1 210
Guidelines	11	479	42	218	68	294	1 112
Merit	3	56	12	41	10	7	129
Means and Guidelines	10	53	19	41	13	20	156
Means and Merit	1	27	6	15	3	0	52
Merit and Guidelines	1	11	0	10	2	7	31
All three	0	3	0	1	0	1	5
No Jurisdiction	0	0	0	3	1	0	4
Other/Unknown	0	5	3	7	0	4	19
Total	45	867	194	690	383	539	2 718

Table 3—Reason for Rejection (Percentage of Total Law Type)

	Family	Civil	Criminal	Total
Means	28	53	53	44
Guildelines	54	30	39	41
Merit	6	6	2	5
Means and Guidelines	7	7	4	6
Means and Merit	3	2	0	2
Merit and Guidelines	1	1	1	1
All three	0	0	0	0
No Jurisdiction	0	0	0	0
Other/Unknown	1	1	1	1
	100	100	100	100

The Hon. K.T. GRIFFIN: I draw attention to the fact that of the applications rejected, 916 were in the family law area; 912 in the civil law area; and 890 in the criminal law area. In percentage terms, 23 per cent of family law applications, 35 per cent of civil law applications, and 9 per cent of criminal law applications were rejected. As one can see, the bulk of the applications rejected, in percentage terms, was in the civil area. Forty-four per cent of all applications were rejected on the basis of means; 41 per cent on the basis that they did not comply with the guidelines; and 6 per cent on the basis of both means and guidelines.

I think that most members of Parliament would have experienced over the past year or two something of a crisis in legal aid. However, that is not a criticism of the Legal Services Commission, which must spread its resources around as best it can. Many cases are drawn to the attention of members of Parliament where legal aid is denied. Even where there appears to be merit in an applicant's case and the applicant satisfies the means test, aid is refused. Many cases pass across my desk—and I am sure that this occurs with other members—where persons in need of legal assistance are told that if they apply the application will be rejected so they need not bother to apply. Those sorts of cases do not show up in the statistics of applications rejected.

All except the very disadvantaged must find some other way to obtain legal assistance or try to resolve the case themselves. Some cases can be referred to a community mediation service or community legal centre, but many problems just cannot be resolved in that way because no matter how earnest the mediation some cases prove to be insoluble. If you are rich or poor, you have access to legal services. If you are in the very large middle group which does not qualify for legal aid or cannot afford large legal costs, you miss out or go broke trying to foot the bill.

The Hon. R.J. Ritson: They become eligible after impoverishing themselves.

The Hon. K.T. GRIFFIN: They will become eligible, eventually, as my colleague the Hon. Dr Ritson says, because they will have become so impoverished that they will then meet the means test criteria. A number of people have tried to obtain legal aid in family disputes, for example, disputes over custody and access. In a number of cases the mother has been granted legal aid but the father, even though he may be unemployed or does not have adequate means, is not provided with legal aid even though his claim may have some merit. Those fathers feel that the whole system is against them, not only with respect to legal aid but also in relation to the way in which questions of custody and access are adjudicated. However, I recognise that it is a very difficult jurisdiction and it is impossible for any one person other than the courts to be able to determine the merits of a particular case. Nevertheless, there are areas for criticism.

In the area of legal aid, these persons have a right to present their cases and to be professionally represented, but they are unable, for any of several reasons, to obtain that legal aid and are then put in a position where they are required to present their case without the benefit of professional assistance and therefore they are at a disadvantage when it comes to the awesome experience of fronting up in court before a judge. I have had referred to me parents who have been trying to put up a case against the Minister of Community Welfare in relation to an in-need-of-care appli-

cation. However, they cannot obtain legal aid even though they are in needy circumstances and, I believe, their case would have merit.

I know of persons who have civil cases who should have legal aid but, because it is a civil case, they are precluded by the guidelines from obtaining aid. There are the Hodby creditors, who are aware that Hodby receives legal aid and they are denied it even though many of them are impoverished or in receipt of a pension. All of these people question the justice of it all. Many of them say that their need is as great and more deserving than the rapist, the murderer, the fraud or the robber where there is no merit in the defence but thousands of dollars are available for legal aid on the basis that the liberty of the defendant is at issue.

The Hon. C.J. Sumner: Not where there is no merit.

The Hon. K.T. GRIFFIN: The question of merit is a matter of judgment. In the bulk of cases where aid is granted there is certainly the perception that there is no merit in running a long trial only to have the defendant found guilty after quite a substantial amount of money has been run up in legal aid costs. Where liberty is at issue, it is important to ensure that there is proper legal representation but, in the interests of the wider community, I wonder whether it is not time to say that we should look much more closely at the cases where legal aid is made available for defences that cannot stand up; instead we should provide representation for only the limited aspect of the sentencing part of the proceedings.

While this may be controversial, at least among the profession, I believe it is now time to take an even closer look at the guidelines to try to squeeze more out of the legal aid dollar to enable more ordinary law-abiding citizens to obtain some assistance. It would be also desirable for an examination to be made of the Legal Services Commission Act with a view to providing a mechanism to allow the Legal Services Commission to take a charge over an applicant's property in return for assistance.

The Hon. C.J. Sumner: Do you support that?

The Hon. K.T. GRIFFIN: I do, because it would widen the range of options available to the Legal Services Commission in the provision of funds.

The Hon. C.J. Sumner: You might be pleasantly surprised.

The Hon. K.T. GRIFFIN: I hope so. It was certainly raised with the Attorney-General, as I recollect, about 3½ years ago by the Legal Services Commission and nothing was done. I certainly believe that the Legal Services Commission ought to have that flexibility. People who have been to see me cannot obtain legal aid. They have a house and believe they have a good case but they cannot raise the cash to fund the case they wish to present. However, if they had some assurance of legal assistance from, say, the Legal Services Commission, if the Legal Services Commission's granting of aid was protected by some form of security—whereby, if the case was successful the money could be repaid or, even if it was unsuccessful, it was repaid over a longer period—I think that that would widen the range of opportunities for ordinary citizens to obtain legal aid.

Private sector insurers should be given every encouragement to develop, market and promote a self-funded scheme to protect against legal costs. I am not suggesting that Government or taxpayer funds should be applied to that sort of project, but I think that that sort of insurance program should be encouraged, developed, marketed and promoted.

I wish to draw attention to only one other area in relation to the Legal Services Commission. I suppose that it is peripheral to the question of legal aid, but nevertheless relevant to the question of cost, that is, in relation to the Crimes (Confiscation of Profits) Act. I have had raised with me the question that, if a sequestration order is made by the court forfeiting assets of a criminal to the Crown, there is a difficulty, particularly where legal aid has been granted to the criminal, that some priority for reimbursement of those legal costs cannot be made out of the funds which have been confiscated.

It has been put to me that some amendment would be appropriate to the Crimes (Confiscation of Profits) Act to put the question beyond doubt that where a restraining sequestration order is made by the court to confiscate assets, or even to put a holding order on use of those assets, some exception should be made for perhaps reasonable living and business expenses of the person whose property the order applies to and, more importantly, the reasonable costs and expenses of the person defending any criminal charge. I would see no difficulty with that. It may, in fact, be covered by one interpretation of the present Act, but I think there is some doubt about it. I understand that in Victoria this issue has been addressed and specifically put beyond doubt. The court in Victoria has the power to make an order which allows payment out of those sorts of costs and expenses. I would again commend that proposition to the Attorney-General.

There is a concern in the area of legal aid in the wider community. A concern is shared by many of my colleagues about the sorts of cases which come across our respective desks and which appear to be outside the ambit of the Legal Services Commission for one reason or another. Nevertheless, they are deserving and are not in such financial circumstances as to be able to afford the legal costs which their involvement in litigation may involve.

They are two issues—court delays and legal aid—which are of concern in the wider community and in the legal profession on which I believe the Attorney-General needs to take some action. I commend to him the issues I have raised. I support the motion.

The Hon. DIANA LAIDLAW: I support the motion and thank His Excellency for his address in opening this session of Parliament. I also take the opportunity to formally congratulate my colleague, the Hon. Julian Stefani, on his election as a member of this Chamber. I most sincerely welcome his election not only for the contribution which I know he will make to the deliberations of the Liberal Party but also the contribution which I am confident that he will make in this Chamber and elsewhere on behalf of all South Australians, no matter what their age, sex, creed, colour, or cultural background.

In his address, His Excellency noted:

> In its continuing accent on improving the quality of social justice for all South Australians, my Government plans a major revision of the Community Welfare Act.

I am most concerned about the Government's zeal to base the provisions of the Community Welfare Act on the concept of social justice. Social justice is a nebulous term. It is indistinct and hazy as to its meaning. Moreover, the recent stream of Government strategies and wonderful words about social justice principles cannot disguise the fact that today South Australia—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Yes, it's a bit belated, isn't it—is a far less fair and equal society than it was six years ago when the Bannon Government was elected. The Department for Community Welfare has a most complex agenda which often necessitates action to intervene in family situations and to intrude upon individual and family privacy. Therefore, for the Department for Community

Welfare to operate efficiently and effectively, it is vital that it enjoy the general confidence of the community. At this time there is no community consensus as to the meaning or merits of the concept of social justice. Until this is the case, I suggest that the Government would be most ill advised to overthrow the current and—

The Hon. Carolyn Pickles: Fortunately, we don't have to listen to you.

The Hon. DIANA LAIDLAW: No, like the Government in most community welfare matters and other matters, you just close your ears. No wonder you were rebuffed in Federal Adelaide. You will learn one day, perhaps, but I suggest that it might be too late. Until this is the case with respect to community consensus about social justice, I suggest that the Government would be most ill advised to overthrow the current and time-tested objectives of the Act with the vague concept of social justice as the foundation for any revision of the Community Welfare Act.

At the present time, the Department for Community Welfare is beset with problems throughout the length and breadth of its operations and, if the Hon. Ms Pickles went out to see and speak with community welfare workers, she would find that what I say is correct.

The Hon. Carolyn Pickles: I do, and I haven't had one complaint.

The Hon. DIANA LAIDLAW: Then you are not listening. The root of the problem, however, is not the Act under which the department is required to operate. The problems are of an administrative nature. They arise essentially from the actions, policies and practices endorsed by successive Ministers appointed during the term of the Bannon Government. Last August in the Address in Reply debate, I lamented the fact that the Department for Community Welfare had lost its fine, hard won reputation Australia-wide for providing a high standard of committed service to individuals and families in need of extra assistance or special attention, a service that had emphasised prevention, integrity and quality of care. Today I regret most sincerely that this situation has not been halted and reversed, notwithstanding the earnest efforts of scores of hard working and long suffering employees in both administrative and field work positions within the Department for Community Welfare.

As background, it is worth recalling that in 1985, under the stewardship of former Minister Greg Crafter, the focus of DCW was changed from the provision of services aimed at reducing or overcoming the broad range of social problems to a narrower philosophy based on crisis intervention and rehabilitation. This change was accompanied by the adoption of a priority rating system incorporating 14 categories which classified clients according to the nature of their social problem, with child abuse classified as the number one priority problem. Increasingly since that time, DCW officers have been monopolised with child abuse cases and allegations of child abuse to the exclusion of all other problems which individuals and families may be experiencing, no matter the severity of that problem.

The Hon. Carolyn Pickles: Don't you think those are real cases?

The Hon. DIANA LAIDLAW: Perhaps if we looked at this suppressed Government report, we would find that the concerns I express today are shared by the author of that report. While this situation is unsatisfactory, it was exacerbated by the appointment of the Hon. Dr Cornwall as Minister of Health and Community Welfare in December 1985. Until then, community welfare essentially had been seen by successive Governments, including earlier in the days of the Bannon Government, as an important portfolio meriting the primary attention and responsibility of a single Minister. The decision to appoint one Minister for the portfolios of both community welfare and health was assessed by the community services sector as a move that would downgrade the importance and status of community welfare, and those comments are recorded in newspapers and letters to the Minister and the Premier at the time.

As the Minister became more and more involved in the budget and management problems of the weighty health portfolio, he inevitably neglected (possibly through no fault of his own because of his other responsibilities) his community welfare responsibilities. The problems that have festered due to this neglect were compounded in turn by the former Minister's single minded obsession to draw the Health Commission and the Department for Community Welfare closer together. No-one to this day—and not even the Premier in his recent statements about the reshuffle—has been clear or is clear today if this link between community welfare and health was to be developed by way of coalescence, coordination, merger or amalgamation. This simply added to tension and the general dilemma about the Community Welfare Department's specific role and function. The publication of a mass of multi coloured papers on the subject proved to be a further unwelcome distraction. Today it is a sad fact that DCW is in a state of turmoil, a legacy from which the Hon. Dr Cornwall can derive little comfort and pride. Morale is low, as are levels of job satisfaction. Staff turnover is high, as are stress levels and retirement rates amongst senior experienced social workers.

Last Thursday Premier Bannon was presented with a golden opportunity to redress the range of problems to which I have alluded briefly today. In the week leading up to the Cabinet reshuffle, I called on the Premier to appoint a single Minister to the community welfare portfolio who could devote his or her time and energy to the multitude of problems that plague the department today. Ultimately, he chose not to follow this timely advice to the full. His decision, however, to split responsibility for community welfare and health between two Ministers was a belated step in the right direction. The move also represents a recognition, albeit a reluctant one, of the turmoil within the Department for Community Welfare.

The community welfare portfolio has now been handed to the Hon. Susan Lenehan, and I most sincerely congratulate her on her election to the Ministry, because I know from past experience of her enthusiasm for the interests and needs of individuals and families, not only those within her electorate in the southern areas. I wish her well with her new and challenging responsibilities. The Minister's task will not be an easy one. Beyond the problems which she has inherited, the community welfare portfolio does not sit easily squeezed between her other responsibilities for water resources, lands, repatriation and Minister assisting the Minister of Health. The mix is unsatisfactory, as is the uncertainty which the Premier has generated by his indecision over the fate of the former Minister's amalgamation, merger, coalescence or whatever—

The Hon. J.R. Cornwall: Integration.

The Hon. DIANA LAIDLAW: 'Integration' is the new word for it.

The Hon. J.R. Cornwall: You are a most ungracious person. I have been listening to obituaries these past two weeks and here you are slandering me under privilege. It is disgraceful.

The Hon. DIANA LAIDLAW: At least the Hon. Dr Cornwall still has a sense of humour. I am not alone among people who are keen to re-establish the credibility and integrity of the Department for Community Welfare and the

community welfare sector in general and who are at a loss to understand the Bannon Government's plans for the future of DCW. Although the Premier has split the health and community welfare portfolios, he had the audacity to say in the same breath that the appointment of two Ministers should 'not be taken as a signal that the so-called health and community welfare coalescence plans had been given away'.

To highlight this confusion about where health and community welfare were going under the former Minister, you will note that the Premier is still using 'coalescence' and that the former Minister is using 'integration'. They cannot even get it right at Cabinet level. No wonder the message is confused out in the service delivery area! Not surprisingly, in recent days I have received numerous phone calls from administrators within the non-Government welfare sector and also from DCW officers within central office and out in the field who are sick and tired of the Government's prevarication and procrastination on the future role, function and structure of DCW.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Many of them believe that they could never speak out for fear of reprimand and censure. At least they see that I can be a voice for them; and I am pleased to be that.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Yes. Well, you are a thing of the past, so it probably was a testimonial. They interpret, and quite rightly so, the Premier's latest comments as being a slur on the status of the community services sector in South Australia. Considerable concern was expressed also that DCW staff have been left poised in an invidious state of limbo. The Government is not only blind but, I suggest, is also foolhardy if it does not see that this state of affairs in the community services sector is unacceptable and undesirable. If it is tolerated for much longer there is no doubt that the quality of service delivery and commitment to individuals and families in need of care and attention will be severely jeopardised. So much for the Government's professed concerns for social justice!

The decision to split the health and community welfare portfolios but not to kill off proposals to amalgamate, merge, coalesce or integrate the two organisations creates considerable administrative and logistic problems for the staff and consumers of both services. Members will recall that next month the central offices of DCW and the Health Commission are to be relocated at a cost of nearly $5 million to the new Citi Centre building at the corner of Pulteney Street and Rundle Mall. However, the new premises incorporates only one ministerial suite.

The fact that the number of floors to be occupied following the move does not allow clerical and consultancy staff to be provided with the work space environment that meets occupational health, safety and welfare standards certainly would, or at least should, preclude the creation of a second ministerial office.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: The former Minister suggests that I am not speaking the truth in this regard. My advice comes from people who are negotiating this matter at this time on behalf of staff members who will be involved in the move. If I am speaking untruths, those people have certainly been unjustly and unnecessarily strung along in relation to this. If I am accused of speaking untruths it is about time the message was also given to those who will be directly involved in this new office accommodation.

I trust that the Minister of Health (Hon. Frank Blevins), as the senior Minister, will probably occupy the one ministerial suite in the Citi Centre building. Accordingly, it is worth asking whether the Minister of Community Welfare is to have no office for herself and her personal staff within the Department for Community Welfare, or whether it is proposed that the Hon. Mr Blevins and his staff will vacate his ministerial office or suite one day a week to make way for the Hon. Ms Lenehan to move in so that she can confer with DCW officers, receive deputations and/or meet constituents.

I suggest that this set-up is a mess. But, beyond these basic problems, the new ministerial arrangements also raise questions as to which Minister is to be responsible for various Health Commission and DCW functions that currently are structured as a joint operation. It is reasonable to ask to whom Ms Mary Beasley, as Chairperson of the Health and Welfare Staff Development Council—an initiative of the former Minister as part of the process, according to Ms Beasley, 'toward the eventual successful total amalgamation of the two agencies' (a statement she made in the *Human Resources Bulletin* of December 1987)—will be responsible. Will she report to the Hon. Mr Blevins, as senior Minister, or, if she has concerns that relate to community welfare staff, will she have to seek the permission of the Minister of Health to canvass such matters with the Minister for Community Welfare? If she is to be responsible equally to both Minister and each Minister makes a different assessment or has a conflicting view on a particular matter, to whom does she ultimately refer? The situation is farcical and is fraught with dangers.

The only sensible course for the Premier to have followed when he split the two portfolios would be to announce, at the same time, the death of the Government's amalgamation, merger, coalescence or integration options. In fact, if the Government was prepared to heed the anxieties and concerns of DCW and Health Commission staff—the PSA, SACOSS, representatives from the non-government welfare sector, consumer forums and associations of health professionals—it would not even need to rely on its decision to split the portfolios as a legitimate excuse to put a stop, for all time, the current confusing array of proposals for restructuring health and community welfare.

During the period for consultation on the former Health Minister's green paper entitled 'Health and Welfare Working Together—Options for the Future', I have received scores of copies of submissions and verbal summaries of papers forwarded to the working party overseeing consultations on restructuring options.

Not one of these submissions or papers endorsed the three options for change canvassed in the Government's green paper. In the interests of clients, however, all endorsed the need for improved local coordination between service agencies—not simply improved local coordination between health and welfare services, but also between those services and State housing and education services, Commonwealth agencies and the medical profession.

I do not intend to read into *Hansard* the content of all the submissions that have been forwarded to my attention, nor do I intend to name the sources of all the submissions. I do wish, however, to read from a selection of submissions covering responses by PSA members within the Health Commission and DCW, SACOSS, an association representing the interests of a section of the medical profession, and a community health and welfare forum. These agencies and organisations represent a broad cross-section of the health and community welfare sector, upon which the Government seeks to impose change.

First, I refer to the response from the Public Service Association. Early last month a seminar organised by the Public Service Association for health and community welfare workers recorded opposition to the Government's restructuring options. A resolution passed at that meeting states:

That we—

1. Do not support amalgamation or reorganisation at this stage.

2. We welcome the Minister's comments that no further moves in this direction will occur without widespread consultation with workers and various unions involved.

3. Support SACOSS's call for more information about views of citizens and users of the health and welfare system.

4. Endorse the concept of regional cooperation in terms of formal and informal structures; financial support; consumer involvement in planning delivery and evaluation of services; and worker and union involvement.

This resolution represents a significant rebuff to the Government's drive to restructure the Department for Community Welfare and the Health Commission at this time. The rebuff is all the more significant because it was recorded after the participants at the seminar had heard an impassioned plea by former Minister Cornwall on the merits of the options that he was sponsoring to restructure the health and community welfare portfolios.

It should be of interest also to members that the resolution to which I have just referred confirmed the results of a questionnaire organised by the Public Service Association which targeted 121 PSA members in the Health Commission and the Department for Community Welfare. The questionnaire was organised by Councillor Ian Peake and Industrial Officer Dolly Costello and was one of a number of activities organised by a committee established by the PSA council to enable members of the PSA to frame a response to the green options paper.

seek leave to incorporate into *Hansard* a chart outlining the results in statistical form, of this questionnaire.

Leave granted.

QUESTIONNAIRE RESULTS

(a) Continue Coalescence		
1st preference	18	60
2nd preference	42	
5th preference (against)	1	
Of the 18 that put coalescence 1st:		
DCW Social Workers	10	
DCW Clerical	4	
SAHC	4	
(b) Coalescence and Regional Cooperation		
1st preference	29	50
2nd preference	21	
5th preference (against)	5	
Of the 29 that put this 1st:		
DCW Social Workers	15	
DCW Clerical	6	
SAHC	8	
(c) DCW and SAHC Combine into a Single Commission		
1st preference	17	26
2nd preference	9	
5th preference (against)	38	
Of the 17 that put this 1st:		
DCW Social Workers	12	
DCW Clerical	1	
SAHC	4	
(d) Stay the same as at present		
1st preference	45	59
2nd preference	14	
5th preference (against)	7	
Of the 45 that put this 1st:		
DCW Social Workers	15	
DCW Clerical	20	
SAHC	10	
(e) Another option		
1st preference	8	21
2nd preference	13	
5th preference (against)	45	
Of the 8 that put this 1st:		
DCW Social Workers	4	
DCW Clerical	1	
SAHC	3	

The Hon. DIANA LAIDLAW: When members look at the questionnaire they will see that PSA members were given five options, as follows: first, to continue coalescence; coalescence and regional cooperation; DCW and the SAHC combining into a single commission; to stay the same as at present; or to name another option.

In respect to each of those five options, PSA members were asked to record their preferences in order from one to five. The first preference for the majority of respondents indicated 45 respondents wished to take the option to stay the same as at present. That preference was far in the lead in terms of the first preferences recorded for all the five options. For instance, members will note that only 18 of the respondents indicated that their first option was to continue coalescence. Only 29 were in favour of coalescence and regional cooperation. Seventeen favoured DCW and the Health Commission combining into a single commission, and a mere eight favoured another option.

Continuing coalescence was the second preference of 42 of the respondents, so certainly it was not the favoured option of the second highest block of support or indication of interest for any of the options. In respect to DCW and the South Australian Health Commission combining into a single commission, it is most important to note that 38 people recorded it as their fifth preference and therefore were totally against this option and they, essentially, rejected it outright. The PSA resolution, recording no level of support for amalgamation or reorganisation of the Department for Community Welfare and the Health Commission, plus the outcome of the PSA questionnaire to which I have just referred, should serve as a fair warning to the Government not to press ahead with imposing coalescence, merger, integration, amalgamation, or whatever term the Government is favouring this month.

The opposition is not confined, however, to PSA members. SACOSS, on behalf of the non-government health and welfare organisations, for instance, has indicated that people's individual and family problems are not neatly confined to health and welfare issues, as the proposals in this option paper would have us all believe. SACOSS has indicated that a one-stop shop will not necessarily be the answer to the needs of people who are in greatest need in our community and it has suggested that such people also have an equal need for housing, employment, education and income support and may well need to see people from those agencies as well. So to suggest that the option of amalgamation will be a one-stop shop that will serve all the needs of the disadvantaged or the people most in need in our community is certainly dismissed by SACOSS in its submission on the options paper.

SACOSS also highlighted that the responses outlined in the paper were a bureaucratic response to people's problems and that they may not necessarily meet their needs satisfactorily. It expressed great concern about the loss of choice available to people if individuals and families were to be programmed or channelled as envisaged in the arguments presented for rationalising service delivery. The loss of client confidentiality was also seen by SACOSS as a further problem with the proposals. SACOSS, in addition, took issue with the Government's only rationale for overhauling the current system of service delivery, which is that some con-

sumers suffer considerable inconvenience having to go to several places retelling their story, often encountering along the way confusing differences between styles, rules and/or at times being poorly informed about where to go next.

As SACOSS pointed out—and this was a view supported by the PSA in both the questionnaire and the resolution—neither the Government, the green paper nor the working party that is sifting these responses has ever provided any hard data that records or confirms the nature or extent of the so-called problems that are meant to be encountered by clients. The examples provided have all been merely anecdotal, according to SACOSS. Anecdotal evidence is hardly a sufficient basis to justify overhauling, as proposed, the health and community welfare systems in this State, when the benefits of such radical change have been untried and untested elsewhere in the world. The former Minister has often highlighted that point in this place in the past.

I turn now to a submission from an outer metropolitan Community Needs Forum which also rejected the establishment of a mega department as an answer to people's needs for services. It recorded its support in favour of far greater coordination at local and regional levels, but it indicated in its submission:

> One great impediment to the coordination which we seek has been the degree to which some agencies are restricted in their planning by centralist departmental structure. Until very recently the local community welfare office has suffered from departmental priority response to child protection. The resulting narrow focus of activities has resulted in diminished opportunities for coordination and cooperation.

So while the Community Needs Forum recommended most strongly cooperation, it expressed concern that the current focus of the Department for Community Welfare diminishes opportunities for such cooperation and coordination. The centralist departmental structure within DCW certainly helps to understand the models that have been put forward for the restructuring of DCW and the Health Commission in the Government's options paper.

The Community Needs Forum submission went on to express concern that the options presented by the Government had the potential to limit the range of individual choice of human services open to a client. The submission suggested that, by using a forum approach, each agency could be held accountable for its service delivery to local people. Essentially, that is what we are after: to ensure that service delivery to all people at the local level is improved. At the same time, organisations are assisted in working cooperatively and developing flexible inter-agency responses to specific problems. The submission argues that such a structure also promotes staff interchange programs, and the Community Needs Forum sees that as an advantage. Its submission concluded that an active forum is considered to be more likely to be effective than one large overarching statutory authority.

Last, I refer to the submission from one of a number of organisations representing the interests of medical professionals. This submission makes a number of points in relation to the green paper. It suggests that the green paper ignores the administrative costs of implementation of any of the three proposals. It continues:

> Bringing together groups from different organisational backgrounds with different philosophies into an effective working relationship requires considerable human effort.

That necessitates an injection of resources to ensure effective working. It goes on to say:

> Amalgamation fosters concerns about equity amongst affected staff which may lead to the emergence of industrial conflict. Staff from different organisational backgrounds understandably become concerned about perceived differences in workloads, industrial conditions and professional status. Sadly, the focus of most organisations involved in restructuring shifts away from satisfying client needs towards meeting the needs of staff for security and status, at least in the short to medium term.

The paper goes on to look at the effect on children's services and specialisation, on relationships between community services and hospitals, on the role of hospitals and the link between hospitals and their surrounding communities, which could become weaker by these proposals. Like most of the other submissions that I have received, it expresses concern about the removal of choice, as follows:

> At present consumers can ask for assistance from one of several agencies in meeting their needs. This choice would be narrowed by the amalgamation of health and welfare services. A real danger of reducing the flexibility and style of response would be introduced. We would question whether a unitary approach to human problems which would be a likely outcome of amalgamation of community services is desirable.

That is a small selection of numerous responses that I have received during the consultation period on the Government's options paper. It would be my strong contention that the Government would be wise to heed these responses, all of which reject the three options proposed for the restructuring. It would seem from the Premier's statement in splitting the two portfolios and the uncertainty he has raised about the future of coalescence that he may be having severe reservations about the options launched by the former Minister.

There is no doubt that, in the community services sector and in DCW in particular, the options are causing disharmony when the objective was closer cooperation and liaison. Consultations and other concerns arising from the options paper are distracting workers and management from concentrating their efforts on problems within the two agencies. As a consequence, service delivery by both agencies is jeopardised. I am not alone in my strong belief that at this stage the Government would be much better advised to require DCW to concentrate on getting its own house in order. I have no doubt from the advice that I have been given from several sources about the content of a report by Dr Lesley Cooper into—

The Hon. Carolyn Pickles: Leaked?

The Hon. DIANA LAIDLAW: I have not received it; no.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: No. I have been told from within DCW and also from outside about the contents of the report and I am most concerned that, at a time when there is disquiet within DCW and concern within the community about the current focus of the Department for Community Welfare, it appears that the Government would not be prepared to release this important report, which may well make criticisms of the current operations and focus of the Department for Community Welfare. From papers that I have read by Dr Lesley Cooper, who is the Director of Social Administration at Flinders University, I suspect that she would be most concerned about the priority system that the department has established and operated for some years. That system places priority on child abuse to about the exclusion of concern and the ability to respond to other needs within the community.

It is certainly my view—and I believe it is one that Dr Cooper and many other people within the community welfare sector would share—that child abuse cannot be looked at as a problem in isolation. It is generally a problem that must be seen in relation to a number of other family difficulties that may arise from unemployment, financial pressures, housing pressures or, in fact, an unfortunate circumstance that a parent or family relation may have experienced in the past. Just to deal with child abuse as an isolated matter, without looking at all the other matters that can impinge on and affect that victim and the family in which that child has lived, is an odd priority for the Depart-

ment for Community Welfare which, in my view, has noble, worthwhile and time-honoured objectives, as outlined in the Community Welfare Act.

That is why I finish by saying that I am most concerned about the statement in His Excellency's speech that the Government is planning to review the Community Welfare Act on the basis of social justice principles. There is little understanding of what that means. The problems within DCW do not arise from the Act. They arise from the administration, policies and practices that have been agreed upon by the Government and by senior management within the department. I suggest that it is in the best interests of the department for the recent report by Dr Lesley Cooper to be released so that the issues to which I have referred today and which I understand are canvassed in that report are assessed by the public in the overall best interests of the Department for Community Welare and the services that it delivers to people in the community.

The Hon. G. WEATHERILL: I welcome the Governor's remarks in relation to the improvement in key economic indicators in South Australia. One of the most important of these indicators is, in my view, the level of unemployment in this State. The improvement in the level of unemployment in recent times is part of a welcome trend toward the eventual elimination of unemployment in this country. While progress in this area is slow, it is pleasing to note that the unemployment rate has dropped from 9.2 per cent in July 1987 to 8.6 per cent in July 1988. Unemployment, in my view, is the single most important social problem we must tackle as a State. Unemployment, undeniably, is the biggest cause of poverty in our community.

Stresses associated with being unemployed, such as the financial pressures of not being able to meet debts and other financial commitments, are amongst some of the most debilitating pressures that people have to face. The lack of hope which accompanies being unemployed for long periods—when a person cannot find gainful employment and faces constant rejection—is a serious problem confronting many in the community. I am confident that the various projects outlined in the Governor's speech will further reduce the levels of unemployment in South Australia. The projets include: the coming into production of the $850 million Roxby Downs project; the development of the Iron Duke mine near Whyalla; the submarine construction project; and the continued expansion of our tourist industry. There are many other projects, both large and small, which will continue to provide much needed growth in employment in our State.

I now wish to address my attention to this country's policy in relation to immigration generally, and Asian immigration in particular. While this matter is a Federal Government responsibility, I feel that it is too important to ignore in this forum, and so I intend to add my views to the current debate. As members would be aware, the question of immigration has again become a controversial political issue following the recent comments by the Leader of the Federal Opposition in espousing his 'one Australia' policy. Unfortunately, Mr Howard has chosen to abandon the longstanding bipartisan approach to non-discriminatory migration and to multiculturalism, in favour of a vaguely worded 'one Australia' policy which is full of flowery language and ambiguities.

The hidden agenda of this 'one Australia' policy has been leaked by Mr Howard's shadow Cabinet colleagues, Senator Stone and Mr Sinclair, who have both clearly stated that the 'one Australia' policy is a means toward reducing Asian immigration: a 'white Australia' policy in fact. They refer to multiculturalism as a facade for the increased 'Asianisation' of Australia. What they ignore is the demographic reality that Australia is, and always has been, a multicultural society. It is not some sort of Labor Party creation—it is a reality.

Four out of every 10 Australians were either born overseas or are the children of immigrants—is Mr Howard accusing 40 per cent of our society of being un-Australian? Mr Howard's recent comments on immigration seem at odds with comments he made in 1986, when he called for a dramatic increase in immigration as part of a plan for the economic salvation of Australia. In the *News* of 24 November 1986, Mr Howard stated that immigration was the answer to our economic woes. He said that, if the Government was prepared to implement a big increase in immigration, it would have 'the support of the Opposition.'

The facts are that the Federal Government has implemented modest increases in our migrant intake, in line with the ability of our economy to absorb such numbers. In 1987-88 the intake was 132 000, or 12 000 above the orginal quota, while in 1988-89 it is expected that the number will be 140 000. Where is the 'support' of the Opposition in relation to these increases. Instead of continuing with bipartisan support, the Federal Opposition now finds that the colour of our migrants is more important than their ability to contribute to the Australian society and economy.

In fact the policy now being adopted by Mr Howard and his cohorts appears very similar to the comments made almost 100 years ago to the day by Sir John Downer in his Address in Reply in this Parliament on 6 June 1888. On that occasion he was reported in *Hansard* in the following way:

> The large numbers of Chinese who endeavoured to get into the colonies of Victoria and New South Wales were not of a desirable class but were of a class we would not like to see land here.

He went on:

> No action he took was against the Chinese as a people. He did not oppose them as a people, but he strongly opposed the class of Chinese who found their way into the colonies.

I suppose when they got off the boat at Robe they should have worn top hats and tails. Finally, he said:

> It was indisputably shown that the Chinese who came to Australia were of the worst type.

It appears that Sir John Downer must have provided Mr Howard with the philosophical basis for his new 'one Australia' policy.

Mr Howard seems to be saying that Asians are all right in their own country, but that the ones who have come to Australia are of an undesirable nature. Sir John Downer would have been proud of him. One hundred years of detailed policy formulation has led the conservatives back to where they started—a policy of no Asians. For those who like to see little change in society, these comments must be of great comfort. As for me and those of us on this side of the Chamber, we are appalled that a political leader in this country, an alternative Prime Minister, could seriously propose such a step backwards as that proposed by Mr Howard.

I am pleased that members of the Liberal Party in this Parliament have spoken out strongly in favour of a continuation of non-discriminatory migration policies, as well as continuation of policies of multiculturalism. I should also point out that the Leader of the Australian Democrats in the Senate, Senator Janine Haines, has strongly supported the continuation of these policies. In a recent media release dated 2 August 1988, Senator Haines said of Mr Howard's 'one Australia' policy:

> This is no more than a cynical attempt on John Howard's part to capture the 'bigot' vote.

It is rare for me to agree with Senator Haines on many issues, but in this instance I totally concur.

Mr Howard is chasing the 'bigot' vote, to the shame of himself and to the shame of the coalition Parties. The prime motivation for this new direction away from bipartisan support for non-discriminatory migration is no doubt a market research team which found that there are votes in prejudice. Confronted with a changing ethnic composition many Australians undoubtedly have reacted negatively. These reactions are often based upon ignorance and fear, and are no different from the reactions that every migrant group has received over the past 200 years of migration to Australia.

My own personal experiences as a migrant from Britain in the early 1960s confirm this. In those days it was the wogs, the wops, the dagos, the reffos, the pommies and many more who were the cause of all of our woes. They took our jobs, they spoke no English, they brought strange customs, and they would not assimilate into the Australian culture. For Governments to have accepted, and acted upon, those prejudices in the 1940s, 1950s and 1960s would have ensured that our nation would have been economically and socially crippled. We would have ended up a Third World economy and a Third World society.

For Mr Howard, in 1988, to simply say that he is reacting to public opinion is to abandon the role of political leaders to provide leadership and integrity on issues as important as immigration. Leadership entails having to dispel ignorance and fear, rather than rely on it for votes. Leadership should entail promoting tolerance, rather than fomenting division for the sake of a few extra votes. It is simply not good enough for the Leader of the Federal Opposition—a man who must surely understand that fears of Asian people are baseless—to hide behind public opinion and espouse policies of *de facto* racism. The policies of the Australian Labor Party stand in direct contrast to this new road being followed by the Opposition Parties.

The Australian Labor Party's policy promotes tolerance of people of different races. It promotes equal opportunity for all races. It allows for the free expression of all cultures. It encourages citizenship, in a non-authoritarian way, and it supports non-discriminatory migration on the basis of a humanitarian commitment to family reunion and refugees. As one political writer perceptively noted, Mr Howard's new policy seeks to attract votes from racism under the guise of patriotism. Who was it that said patriotism was the last refuge of the scoundrel? Perhaps the most important thing that can be achieved in this State Parliament is for all Parties to publicly defend the continuation of non-discriminatory migration policies and to publicly defend policies that continue to support a multicultural Australia.

I was pleased that the Hon. Mr Lucas spoke out in this place yesterday in support of these policies, and I would hope that his Leader in the other place will continue to oppose the new direction of the Federal Liberals. It is important that the backward comments of Mr Howard are put to rest at an early stage, for, if they are not, they will only serve to promote ignorance and racism and, by implication, social disunity. I therefore conclude my remarks on this issue by calling on all Opposition members in this Parliament to bring pressure to bear on their Federal colleagues to place this insupportable 'one Australia' policy on the scrap heap of history.

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

IMMIGRATION

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

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.

(Continued from 17 August. Page 281.)

The Hon. M.S. FELEPPA: I am able to support this motion and, in so doing, it gives me both pleasure and sadness: pleasure, because the motion reaffirms a policy which has been hard won and of benefit to the people of this country, it restates the democratic principles of fairness and it ensures that the gains which we have made in the development of our society are not completely lost; and sadness, because recent events have inevitably jeopardised the future.

The history of Australia in the area of our attitude towards a different culture is well mixed. In 1972 the Federal Government, under Whitlam's leadership and under the personal drive of the former Minister of Immigration (Mr Al Grassby), rejected the 'White Australia' policy. That was a symbolic, historic gesture. Ever since, the immigration policy has served Australia well. Migrants who come to Australia have made a great economic, social and cultural contribution to our country. Up to 1972, Australia had done very little to integrate the non-English speaking migrant into white Australian society. It had not acknowledged their special contribution to this country nor their right to participate in the changes which took place in the two decades prior to that date.

In 1967, under the Liberal Government, the Telephone Interpreter Service was established and that proved to be of valuable help to many non-English speaking migrants. In 1978, again under the Liberal Government, the Galbally report was issued and adopted in its entirety by the Fraser Government. Although still in the welfare mould, the Galbally report proved to be a point of arrival and a point of departure. It was a point of arrival because it officially accepted the right to welfare by non-English speaking migrant people; and of departure, because it provided the platform to launch multiculturalism as a philosophy and a practical policy.

The concept of multiculturalism has since become the focus of not only discussion and further conceptual development but also practical services and initiatives. These have included the introduction of languages in schools and efforts by public and private organisations to integrate all cultural groups at all levels of service, provisions and management. The progress has been positive even if we all continue to be critical of its speed.

The integration of many cultures has been relatively successful, especially because of the bipartisan nature of such a policy. The few extremists and the faint-hearted in our community do not have a representative voice in government. We, as the elected members of this society, looked confidently to a peaceful future. We could not be instructed by the alarmist few, as I said earlier and, as elected Governments, we agreed on what was right and pursued it. Now, unfortunately, as the previous speaker said, this confidence has been tainted. The Federal Leader of the Opposition set back the clock by many years and confused the thinking of our community on the continuation of such wonderful social developments. Mr John Howard is to mul-

ticulturalism as the shadow Minister of Health (Mr Tuckey) is to AIDS—ill-informed, alarmist and in it for a fistful of votes. At this point I thank the Hon. Mr Lucas who made a point clear to me when he said:

If there are problems in understanding multiculturalism, then what we need to do is not throw everything out, but clear up the confusion that exists in the community about the concept and the effects of multiculturalism. I am pleased to be able to clarify that for the Hon. Mr Feleppa.

I thank the Hon. Mr Lucas for making that point. However, I appeal to him to clarify the situation for his Federal Leader; perhaps then we will be better off and on similar ground. There is little merit for Mr Howard to hide behind popular opinion. The issue is critical in every sense.

The former Liberal Prime Minister, Mr Malcolm Fraser, during a television interview a few days ago said that the racist comments do not belong to political Parties, nor do they belong to the Liberal Party; and I believe that that statement was correct. John Howard, in taking on the popular opinion, becomes tainted by it.

One wonders where Mr Howard has found this sudden burst of directness and self-assertion. It might not be of coincidence that it comes soon after his overseas trip. Has he perhaps tried to model himself on the Iron Lady, Mrs Thatcher? During my debate on the Address in Reply motion a few days ago I said that Mr Howard seemed to be lost, and also seemed to be infatuated with the British Prime Minister. More so, it seems that he has confused his style with the policy of immigration.

He might wish to attempt to project himself as an antipodean Thatcher, but the policies must be right. In regard to our immigration policy he certainly is completely wrong. We can believe that Mr Howard does not understand the concept of multiculturalism, but the concept of such a multicultural society has been widely discussed since the Whitlam and Grassby eras.

The confusion does not arise, I believe, out of the basic ideals it represents: first, the rights of all cultures to be in Australia; and, secondly, the rights of all individuals to participate in our life, irrespective of cultural background, and the responsibility by all to respect the laws of this country.

In supporting the motion, I am comforted, as the previous speaker already said, by the reaction of the more realistic and thinking members of the Liberal Party who have been trying to salvage, at all costs, their Federal Leader and, indeed, they will try to salvage their electoral hopes. The current immigration and multicultural policy was developed under Labor and Liberal Governments. In this State Parliament we have had the good sense in the past, and in the present we still have that good sense, to agree on something which is eminently sensible and correct.

Does Mr Howard want the Liberal Party to depart from the policy and the bipartisanship? For that reason I urge members of the Liberal Party and the Democrats in this Council to resist both and to support the motion.

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

RADIATION PROTECTION AND CONTROL ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Members will recall that in late 1986 the Radiation Protection and Control Act 1982 was amended. The important radiation protection measure which the amendments introduced was the requirement for a licence for operations in which radioactive ore is mined or milled. The application of those requirements to the Roxby Downs joint venture was set out in a schedule to the amending legislation.

The Olympic Dam project has advanced to the point where the mine and mill are almost fully commissioned and will shortly move into the production phase. It is now the appropriate time for the licensing provisions to be invoked and discussions have been proceeding about the manner in which that should occur, taking into account the interaction between this Act and the indenture Act.

The joint venturers hold a special mining lease which was granted under the terms of the Roxby Downs (Indenture Ratification) Act 1982. This lease was granted in 1986 for a period of 50 years and, as provided by the indenture, this term can be extended.

Having regard to the term of the special mining lease, the absence of time limitations on approvals under the codes of practice and the effect of clause 10 of the schedule to the Radiation Protection and Control Act, it is considered appropriate to issue a licence under the Act for the period of the special mining lease. However, the legislation currently requires payment of the full licence fee prior to the grant of the licence.

It is considered unreasonable and unrealistic to require the entire licence fee to be paid before the licence is granted. In negotiations with the joint venturers, agreement has been reached that there should be an indexed fee payable annually. The amendments made by this Bill therefore provide for the payment of an annual fee for a licence to mine or mill radioactive ores of an amount determined in accordance with the regulations.

The amendments do not change in any way the obligations of the joint venturers to comply with appropriate radiation standards or codes of practice and do not change the rights of the joint venturers under this Act or under the indenture. Only the method of payment is changed. I commend the Bill to members. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 24 of the principal Act which deals with the granting of licences for the mining or milling of radioactive ores. The amendment provides for the grant of a licence on payment of a fee of an amount determined by the regulations for the first year of the licence and for payment of annual fees thereafter for the term of the licence, payable on or before the commencement of the subsequent year, and in respect of the years for which a licence is renewed. The amendment also provides that any amounts not paid as required by the section are recoverable from the holder of the licence in a court of competent jurisdiction.

Clause 4 makes a consequential amendment to section 37 of the Act which deals with licence renewals.

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

RACING ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

The problem of SP bookmaking is one of national concern. In South Australia, estimates of illegal betting turnover range from $50 million to $200 million annually. Clearly, any estimate must be largely speculative, but it nonetheless remains a serious concern to both the Government and the racing industry. SP bookmakers pay no tax and make no contribution to the cost of operation of the racing industry. Consequently, SP bookmakers are parasites, thriving on the racing industry, which is a significant contributor to the economy of the State in terms of capital investment, employment and revenue.

In November 1983, at the first National Racing Ministers Conference held in Melbourne, the conference was unanimous in expressing its concern with what appeared to be the growing incidence of SP betting, and the importance of taking action to minimise its effect on the viability of the racing industry. It shoud be realised that SP betting is no longer a 50c each-way operation, but a large national network handling millions of dollars. None of this money goes back to the industry which has enabled this turnover to be generated.

The Costigan royal commission confirmed this concern and stated further that SP betting is a significant social evil which has connections with organised crime. The State Government subsequently legislated for amendments to the Racing Act in 1984 for increased penalties for SP bookmaking. It is acknowledged that increased penalties are only one way of combating the problem. Law enforcement agencies must have significant manpower to carry out the work of apprehending offenders—and in this regard my department and I are appreciative of the efforts of the Vice, Licensing and Gaming Squad. In addition, the courts should impose maximum penalties where appropriate.

The public should also be aware that SP betting carries penalties for persons betting illegally with SP bookmakers and currently this carries a maximum penalty of $2 000 or six months imprisonment. Licensed bookmakers on-course and the TAB provide an extremely adequate service to the racing fraternity in South Australia. In recent times, initiatives adopted by the TAB, such as extended hours, the location of agencies and subagencies, (especially those in licensed premises), Teletext facilities and Sky Channel services, have all been designed to provide the public with adequate opportunities to bet legally.

State Governments have a responsibility in protecting the viability of the racing industry, and in creating an awareness in the public eye of the insidious effect that SP bookmaking can have on our society by its association with other criminal activities throughout Australia. 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 amends section 117 of the Act by increasing the pecuniary penalties incurred by a person who acts as a bookmaker without being licensed or by a person who holds a licence but fails to comply with the conditions of the licence from $8 000 to $15 000 for the first offence, while the penalty for a second or subsequent offence is increased from $15 000 to $40 000.

The penalty for a second or subsequent offence of $4 000 or imprisonment for one year is inserted for a person who makes a bet with an unlicensed bookmaker or who makes a bet in which its acceptance by the bookmaker would constitute an offence against the Act.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 2)

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The problem of SP bookmaking is one of national concern. In South Australia, estimates of illegal betting turnover range from $50 million to $200 million annually. Clearly, any estimate must be largely speculative, but it nonetheless remains a serious concern to both the Government and the racing industry. SP bookmakers pay no tax and make no contribution to the cost of operation of the racing industry. Consequently, SP bookmakers are parasites, thriving on the racing industry which is a significant contributor to the economy of the State in terms of capital investment, employment and revenue.

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The public should also be aware that SP betting carries penalties for persons betting illegally with SP bookmakers and currently this carries a maximum penalty of $2 000 or six months imprisonment. Licensed bookmakers on-course and the TAB provide an extemely adequate service to the racing fraternity in South Australia. In recent times, initiatives adopted by the TAB, such as extended hours, the location of agencies and subagencies, (especially those in licensed premises), Teletext facilities and Sky Channel services, have all been designed to provide the public with adequate opportunities to bet legally.

State Governments have a responsibility in protecting the viability of the racing industry, and in creating an awareness in the public eye of the insidious effect that SP bookmaking

can have on our society by its association with other criminal activities throughout Australia.

Clause 1 is formal. Clause 2 amends section 63 of the Act by increasing the pecuniary penalties incurred by a person who acts as a bookmaker without being licensed or by a person who holds a licence but fails to comply with the conditions of the licence from $8 000 to $15 000 for the first offence, while the penalty for a second or subsequent offence is increased from $15 000 to $40 000.

The penalty for a second or subsequent offence of $4 000 or imprisonment for one year is inserted for a person who makes a bet with an unlicensed bookmaker or who makes a bet in which its acceptance by the bookmaker would constitute an offence against the Act.

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

ADJOURNMENT

At 5.57 p.m. the Council adjourned until Tuesday 23 August at 2.15 p.m.