LEGISLATIVE COUNCIL

Thursday 13 October 1988

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

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

OMBUDSMAN'S REPORTS

The PRESIDENT laid on the table reports from the Ombudsman, pursuant to section 26 of the Ombudsman Act, concerning investigations into allegations pertaining to a proclamation made pursuant to section 50 of the Planning Act, and the lease of the Department of Marine and Harbors land at Birkenhead.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Reports, 1987-88—

Classification of Publications Board;
Court Services Department;
Electoral Department;
South Australian Urban Land Trust.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Reports, 1987-88—

Department of Agriculture;
Betting Control Board;
Office of the Commissioner for the Ageing.

QUESTIONS

ROYAL ADELAIDE HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the Royal Adelaide Hospital operating theatres.

Leave granted.

The Hon. M.B. CAMERON: No doubt members will be aware of plans to upgrade operating theatre facilities at the Royal Adelaide Hospital. This upgrading has been planned for some time, and the Minister of Health advised during the Estimates Committees that the $18.6 million project, which will result in 14 new theatres, is due to begin this financial year.

During the recent construction of several major projects in the city it has been necessary to agree to special on-site allowances for construction workers to enable schemes to be finished on time and, supposedly, with a minimum amount of industrial disputation. I gather from information that I have received that a $2.50 per hour on-site allowance was given to workers employed on the construction of the Travelodge building on South Terrace.

I further understand that an allowance of $2.50 per hour plus $20 a week has been obtained by employees who will build the new Myer complex in Rundle Mall for the Remm Group. I am told that the $500 million Myer complex is likely to create an acute shortage of materials and suitable construction labour. It has been suggested to me that suitable inducements, in the form of on-site allowances, will be needed to attract labour and to have the Royal Adelaide Hospital theatres project finished on schedule.

In view of the foregoing, my questions are: will the Government agree to pay an on-site allowance to people working on the construction of new operating theatres at the RAH? If so, what is the estimated total cost of the on-site allowance, and is that sum included in the $18.6 million figure given for the project by the Health Minister last month during Estimates? If not, will the cost of the project be reduced to compensate for this additional cost or will it blow out by that amount?

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

CHILD ABUSE

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to asking the Attorney-General a question about child sexual abuse.

Leave granted.

The Hon. K.T. GRIFFIN: A matter of grave concern has come to my attention. A man was charged with four counts of unlawful sexual intercourse with his daughter who was under 12. Because of a suppression order I do not intend to mention the name, but I am happy to give it to the Attorney-General in due course. The Crown entered a *nolle prosequi* on two counts and the man was committed for trial in the Supreme Court on another two counts.

The matter was heard in August 1988, and the daughter gave evidence for the Crown. After the daughter had given evidence the trial judge said to the jury:

> Ladies and gentlemen, having heard what the girl said the Crown prosecutor has now very properly closed the Crown case and will tender no further evidence and the Crown joins with me and the counsel for the defence in inviting you, in fact, asking you forthwith, to return a verdict of not guilty. This has been, on the face of it, ladies and gentlemen, a tragedy soon to be brought to a close. It is the least we can do to try and mend the tragedy that has been brought to the family.

The jury, which left the courtroom at 2.40 p.m., returned at 2.57 p.m. and then brought in a unanimous verdict of not guilty. The judge then made some further comments as follows:

> The people responsible for this will have to carry it on their conscience. Your conscience is clear. It is a dreadful tragedy that has happened. Mr . . . [the defendant] I don't know what can be done to put right what happened in the past two and a half years. I hope something can be salvaged from the wreckage for you. You might convey to those responsible for this just what has happened and what they have done.

If that were not bad enough, on the day the father was acquitted and only five hours later, a police officer went to where the daughter was staying and, after that very positive recommendation by the Crown and the defence, and instruction by the judge, again interviewed the daughter about what had happened in court. The police officer told the daughter that he wanted to check what the father really did to her, because they were confused as a result of the court case. It is obvious from the transcript of the interview that the police did not accept the verdict of the court. A perusal of the transcript of the interview raises grave concerns about the nature of the interview and, in particular, the leading nature of some of the questions. My questions are:

1. Does the Attorney-General believe it is appropriate for police to interview witnesses after an acquittal, as in this case?

2. Will the Attorney-General investigate this case to determine what changes can be made to ensure a tragedy as stated by the judge does not happen again?

The Hon. C.J. SUMNER: The honourable member would well know, as a lawyer and former Attorney-General, that

cases of child sexual abuse are notoriously difficult for all involved—in particular, difficult for the complainant if it is a young child, and difficult for the family because of the disruption and enmity that can develop between family members as a result of allegations of this kind. They are extremely difficult for the Community Welfare Department and prosecutors in all sorts of respects, not the least of which is having to ask the child complainant (the alleged victim)—indeed requiring it—to give evidence in support of the case before a jury or, in lesser cases, before a magistrate.

At present, a Government working party is looking at courtroom structure. This matter has been drawn to the attention of the Council on previous occasions, particularly when members debated amendments to the Evidence Act dealing with child witnesses giving evidence. Members will recall that, on that occasion, legislation was passed to facilitate the giving of evidence by children without the need for corroboration in all circumstances.

As a follow-up to that, a working party is now examining the question of courtroom environment. It has been suggested that children should be able to give evidence outside the courtroom but with a video link into it. Other suggestions have been that there should be a screen to ensure that the child does not have to look at the accused person. Other suggestions, which would be simpler to implement, are to ensure that the child does not have to walk past the accused person when going into the witness box. All those matters are being examined at present.

There are differences of view as to whether any or all of those courses of action are desirable but, in due course, a recommendation will be made. I point that out only to indicate to the Council that these cases are notoriously difficult and raise important issues for all concerned: the child complainant, the accused person, the welfare authorities, the prosecution authorities, and, indeed, the judiciary and juries when they, ultimately, must make up their mind about them. With that preface, all I can say is that I am happy to have this matter examined to see what the circumstances were and whether any change to procedure is necessary.

As to whether it is proper for the police to interview witnesses after a case has concluded, I do not think that one can give an affirmative or negative answer without knowing the circumstances of the case. Other allegations may have arisen that require investigation. I will examine what happened in this case and bring back a reply for the honourable member.

The Hon. K.T. GRIFFIN: By way of supplementary, I ask: will the Attorney-General indicate who is on the working party to which he referred in his answer?

The Hon. C.J. SUMNER: The Crown Solicitor's Office has been doing a lot of work in this area. One of its major aims has been to try to ensure that the briefs in these matters are received well in advance of the cases going to court and that they are examined before the committal stages to see whether there is a case to answer or whether there might be problems with it. That is one initiative that has arisen out of the extensive work that has been done by the Crown Solicitor's Office in this particular matter. As I recollect, Crown prosecutors—the Crown Solicitor's Office, at least—and the Department for Community Welfare are involved. However, I will get full details for the honourable member.

SOUTH AUSTRALIA'S POPULATION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about the population of South Australia.

Leave granted.

The Hon. L.H. DAVIS: The State Government has acknowledged that population growth is a key economic indicator. In September 1982, the Leader of the Opposition (Mr Bannon) expressed concern that Western Australia's population had, for the first time, exceeded the population of South Australia. Indeed, he placed full page advertisements in the daily press to highlight his concern. The Australian Bureau of Statistics recently released projections of the population of Australia and its States and Territories for the period 1987 to 2031.

These projections indicate that South Australia's share of the nation's population will shrink from 8.6 per cent currently to as low as 7.7 per cent in the year 2010 and just 6.9 per cent in 2031. The projections also indicate that South Australia's annual population growth rate will be the lowest of all mainland States in the period 1988 to 2031, being little better than half the national average. The projection for the period 2011 to 2031 shows an annual population growth at worst to be just .1 per cent per annum in South Australia, which is virtually no growth at all.

At present, South Australia's population is 1.4 million and Western Australia's population is 1.5 million. However, the projections indicate that by 2010, South Australia's population will range between 1.6 million and 1.71 million, just 7.7 to 7.8 per cent of Australia's population, while Western Australia's population will be between 2.26 and 2.46 million. In other words, by 2010, a little more than 20 years time, the estimate is that Western Australia's population will be 650 000 to 750 000 persons greater than the population in this State.

The Australian Bureau of Statistics projects that by 2031 South Australia's population will be between 1.64 million and 1.9 million, which could be as little as 6.9 per cent of the nation's population. This is in sharp contrast to Western Australia's population which is estimated to be between 2.8 million and 3.3 million by the year 2031, about 13 per cent of the nation's population, and that is not far short of double the population estimate for South Australia by the year 2031.

Other alarming signs for South Australia's future population growth are contained in this detailed publication from the Bureau of Statistics. South Australia has the lowest fertility rate in Australia—that is, the number of children born to women—and that is likely to remain so through to 2031. I must say, Madam President, in defence of my colleague the Hon. Robert Lucas, that he has done his bit—

The Hon. R.I. Lucas: And a bit more.

The Hon. L.H. DAVIS: —and a bit more.

The PRESIDENT: And so have I!

The Hon. L.H. DAVIS: And the President should not be exempted from that accolade: my colleague the Hon. John Burdett has also done well. Of all the States, South Australia already has the highest percentage of its population over 65. Currently that figure is 12 per cent, but by 2031 the number of persons over 65 in South Australia could be as high as 24 per cent, which is well above the projected national average. Also, our share of Australia's migration intake in the current year has dropped to the lowest level in at least 40 years. It is running at about 4 per cent—a miserly figure. The census of 1881 showed that South Australia's population represented 12.3 per cent of the nation's population, and that figure dipped steadily to 8.5 per cent in 1947. Then, with the vigorous Playford manufacturing and industrialisation program under way, that figure surged to 9.4 per cent by 1966.

The ABS projections that South Australia's share of the nation's population will dip to under 7 per cent in the next 40 years to about half of Western Australia's population are alarming. The economic indicators readily reflect the benefits of strong population growth. In 1987-88, Western Australia had 21 500 housing approvals against a miserly figure of just fewer than 9 000 housing approvals in South Australia. On the basis that every new house built creates four jobs, that means that in Western Australia, over the past year, an additional 50 000 jobs were created in the housing industry alone. What plans, if any, does the South Australian Government have—

Members interjecting:

The Hon. L.H. DAVIS: Well, after acting as interpreter when none was available today, perhaps the Attorney can answer this question in English. What plans, if any, does the South Australian Government have to rectify this grave situation in population growth?

The Hon. C.J. SUMNER: I am sorry that the honourable member seems to be put out by the fact that today I was able to greet the Italian President in his native language. Frankly, I was quite proud of the fact that I was able to do it and I would have hoped that members opposite, including the Hon. Mr Davis, might share those sentiments. However, I suppose that is too much to expect from the honourable member.

The honourable member has referred to projections over 40 years, or so, relating to population growth in South Australia and Australia. I can remember population projections in the early 1970s and the late 1960s, which even the Hon. Mr Davis might remember. He would also remember that those projections were, of course, woefully astray at the time. A lot of capital infrastructure was built on the basis of projections that did not materialise in South Australia or, in fact, throughout the whole of Australia.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am just saying that the Australia-wide projections, in the late 1960s and the early 1970s—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Well, I will not go into it at the moment but I think that, at some stage, they will probably be looking to build at Monarto.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Probably in much less time than that.

The PRESIDENT: Order! A question has been asked and I ask that the reply be listened to without interjection.

The Hon. C.J. SUMNER: The honourable member wants to see a satellite city at McLaren Vale or Willunga which will wipe out the whole of the Southern Vales, or he wants to see a satellite city at Tanunda which will wipe out the whole of the Barossa Valley. Perhaps that is something that the Liberal Party did not think of.

The Hon. R.I. Lucas: We support your urban consolidation policy.

The Hon. C.J. SUMNER: The Hon. Mr Lucas says he supports the urban consolidation policy of the South Australian Government.

The Hon. Barbara Wiese: He said, 'We'.

The Hon. C.J. SUMNER: He said 'We', so the Opposition supports the urban consolidation proposals of the Government. Ms President, that is somewhat of a distraction from the answer.

The PRESIDENT: Order! I suggest the question be replied to.

The Hon. C.J. SUMNER: Hear, hear! I agree. I was in the process of doing that and talking about population projections in the late 1960s and early 1970s which, of course, were wildly astray. It is a fact—and the Hon. Mr Davis mentioned it—that South Australia does have a lower fertility rate, for whatever reason, than the rest of Australia. The ageing of the population is a phenomenon in South Australia, Australia and, indeed, the whole of the Western industrialised world.

Essentially the Government is strengthening the economy by trying to create a greater diversification in our economic performance. It is all very well to talk about the halcyon days of the Playford Government but the reality was that Sir Thomas Playford was able to attract industry to South Australia because of substantial tariff barriers which existed around Australia. The tragedy was, in one sense, that once those tariff barriers were removed Australian industry, generally, found itself to be uncompetitive. In other words, if one looks at it in the long term, we established industries that could not compete in world markets. That is a fact.

The Hon. J.F. Stefani: The unions had—

The Hon. C.J. SUMNER: No.

The Hon. L.H. Davis: You are a good Attorney-General, but don't get into economics.

The Hon. C.J. SUMNER: I am happy to get into it. The unions, apparently, are responsible for it, according to the interjection.

The PRESIDENT: Order! The Standing Orders do prevent that matter being debated.

The Hon. C.J. SUMNER: I agree with that, and they prevent interjections, also.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Excuse me, they prevent repeated interjections. One interjection is permitted, but that comment does not apply to the Hon. Mr Davis.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Mr Stefani said that it was the unions' fault. I think that is a slightly simplistic approach to the matter.

Members interjecting:

The Hon. C.J. SUMNER: It is not. If you believe that, you believe in fairies. If you have ever read any of the reports about Australian manufacturing industry, you will see that it is not just the union movement that caused Australian industry to be less productive than its competitors. Most of the reports of the latter part of the last decade—the Jackson report for instance—did not identify just the unions or union work practices as the problem in Australia's manufacturing industry.

What happened in those earlier years, whether or not members like it, was that industry was attracted here behind high tariff barriers. A lot of industry was inefficient. It was not able to compete when the tariff barriers were removed and the manufacturing capacity in South Australia was therefore reduced. However, the evidence at present indicates that that is now growing again. The Government's policy, which of course relates to population, is essentially to diversify the economy: we cannot rely on rural products alone, or on our traditional manufacturing industries. We have to diversify and that is what the Government's policy has been directed at. I would suggest even to the hard anti-unionists in this place, like Mr Stefani, that that has been done with some success. We have an active business migration program and we have supported the increase in the migration program for Australia to the present level of 150 000 people per annum.

COMMISSION AGAINST CORRUPTION

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

Leave granted.

The Hon. I. GILFILLAN: The Council may be interested in some extracts given by the Hon. Mr Sumner, as Leader of the Opposition in the Council, on 6 April 1982 when moving—

The Hon. C.J. SUMNER: On a point of order. As I understand it, there is a Bill on this topic and the question should not pre-empt the debate on the Bill. Matters ought to be debated as part of the Bill when it is due for debate. That is as I understand the ruling.

The PRESIDENT: Order! I accept the point of order. The matters which are listed on the Notice Paper cannot be referred to in Question Time. I apologise. I thought that the honourable member was referring to the Anti-Corruption Unit.

The Hon. I. GILFILLAN: The point of my question relates to a royal commission which was successfully moved in 1982 by the Attorney-General. My question relates to that and has nothing to do with any reference to legislation currently before Parliament.

The Hon. C.J. Sumner: You said you wanted to make an explanation about an anti-corruption commission. That is the Bill you introduced. You have changed your mind.

The Hon. I. GILFILLAN: The commission is a royal commission.

The Hon. C.J. Sumner: Then you've changed your mind.

The PRESIDENT: Order! The honourable member asked for permission to ask a question on a commission against corruption. I agree that that sounds as if it refers to a matter on the Notice Paper. If the honourable member wishes to ask a question and give an explanation relating to the previous royal commission on corruption, that will be perfectly in order.

The Hon. I. GILFILLAN: Thank you, Ms President. I was about to make it quite plain in this passage. In 1982, the Hon. C.J. Sumner moved:

That the reports commissioned by the Hon. K.T. Griffin, Attorney-General, South Australia, into alleged corruption in the South Australian Police Force, laid on the table of this Council on 1 April 1982 [commonly known as the Giles Hunt report] and the accompanying ministerial statement be noted, and while affirming its confidence in the South Australian Police Force this Council believes that in view of continuing public doubts about the nature of the inquiry and report, a royal commission should be established with the following terms of reference:

I will read three of the seven terms of reference. The first states:

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

The fifth reference was as follows:

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

The seventh reference stated:

Advise whether or not police powers are adequate to deal with organised crime and drug offences.

The Hon. C.J. Sumner stated:

The report tabled last Thursday unfortunately does not dispel all doubt and fears in the community, nor does it offer any positive suggestions as to how matters of this kind can be dealt with in the future.

In a very illuminating and constructive speech by the current Attorney-General, referring to the inquiry, he stated:

It was an internal inquiry and some potential informants and lawyers refused to co-operate. The Opposition [which was the Labor Party] says that there was no protection or privilege for witnesses. . . . The Opposition says that there remains doubt and suspicion in the community, not just about the allegations that were dealt with by this inquiry, but surrounding a number of matters that have occurred within the Police Force in recent times.

The Hon. Mr Sumner also stated:

I repeat that our call for a royal commission deals with administrative procedures. There are a number of other examples in the report where the administrative procedures are criticised by Sir Charles Bright, and that is one of them.

The Opposition's proposal for a royal commission would enable these procedures to be examined more thoroughly in the light, of course, of what the police consider to be the most efficient way, and what view the Police Association may have on them, but bearing in mind the ultimate responsibility to ensure that it is the community interest with which we are concerned.

He further stated:

It indicated that, in a number of areas of public complaint, people do not proceed with complaints because they realise that internal investigation is involved. I believe that that should be added to one side of the scale in deciding whether or not a royal commission is justified.

On the basis of the matters I put to the Council, we say that there is a case for a review of the evidence that was taken by the investigating team. That evidence should be reviewed with all the powers of a royal commission. I wish to make clear that our proposition is not that there should be a witch-hunt throughout the force. Our proposition is not negative in the sense of merely looking at these allegations: it has many positive aspects. I put the following scenario to the Council: what happens in a month, when everyone thinks that the issue has disappeared, if another allegation of impropriety, which can be substantiated, raises? What will the Government do then? We will then have to go through this whole procedure again.

The suspicion and doubt that surround this report and the actions of a minority of police officers will be raised again. A royal commission has the advantage of clearing the air once and for all, and I suspect that investigations into the specific allegations would not be a particularly mammoth task. The considerations of the inquiry that has already been carried out could be used. There is a need to clear the air completely in this matter, not in a negative way, but in a positive way, That is why my motion and my call for a royal commission contain very carefully thought out terms of reference, which deal not only with specific allegations but also with administrative procedures. . . . the proposal for the establishment of a permanent crime commission in this State. I have no firm view on that at this time, but that matter has been raised by a former Police Commissioner of Queensland, Mr Whitrod, who apparently supports the suggestion of permanent law commission to investigate allegations of corruption in the criminal justice system and organised crime.

Towards the end of his speech the Hon. Mr Sumner stated:

. . . certain allegations in relation to certain police officers, I believe that there is a case for a royal commission. However, it should not be a royal commission only in relation to those allegations, but a broader commission where the public can be involved through community groups such as the Council for Civil Liberties, the Police Association, the Liberal Party, or anyone else.

An independent inquiry should be established to take evidence in relation to all these matters. We could then have a basis for Parliament to work on in the future to try and establish procedures to ensure that the opportunity for impropriety is reduced to a minimum. The Opposition has put forward a positive proposal which deserves the support of the community and Parliament. . . . A royal commission ought to provide guidelines and regulations for reform of the law in these areas.

The PRESIDENT: Is all this necessary to explain your question?

The Hon. I. GILFILLAN: It concludes:

One way to clear that up—

and these are the suspicions that linger on in the public's mind—

is to have a royal commission and once and for all fix up past allegations, look to the future, and establish laws and regulations and guidelines which mean that opportunities for impropriety within the force are reduced to the minimum. If we did that, I believe that we would be doing a service to the public of South Australia and, indeed, to the Police Force. There is no internal inconsistency in my motion. My motion affirms our confidence in the force, but affirms it in a positive way that there is a need

to investigate certain matters and to come up with some proposals for reform of the administration and the law in this area. I ask the Council to support my motion.

With that brief explanation I ask the Attorney-General whether he believes he was wrong in pushing for a royal commission at that time and in that way. If not, why does he not show support for such a commission to be established now?

The PRESIDENT: The honourable Attorney-General, but I fail to see why the explanation included reference to the Liberal Party and the Council of Civil Liberties. Also, a large part of the explanation did not seem to me to bear any relationship to the question.

The Hon. C.J. SUMNER: In his Bill the Hon. Mr Gilfillan has not suggested a royal commission; he has suggested an independent permanent commission.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: You are allowed to, apparently.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.J. Ritson: He wants another quango.

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan wants another quango. It is legitimate to say that the Hon. Mr Gilfillan's proposal is not a proposal for a royal commission.

The Hon. I. GILFILLAN: On a point of order, Ms President. If it was out of order for me to ask a question about a matter on the Notice Paper, I ask you to rule that the Attorney-General is out of order in discussing my Bill in his answer.

The Hon. C.J. Sumner: I am not discussing it at all.

The Hon. I. GILFILLAN: What were you referring to?

The Hon. C.J. Sumner: I cannot answer your question unless I can say that.

The Hon. I. GILFILLAN: The question made no mention of my Bill. Ms President, use a little distinction in analysing that, please.

The PRESIDENT: The question did not refer to your Bill. I would ask that, likewise, the Attorney-General, in replying to the question, not refer to the Bill on the Notice Paper. No answer can contain a debate.

The Hon. C.J. SUMNER: I am not debating; I am merely drawing the distinction, as I must do. I am not talking about the Bill at all. I will talk about 'A' and will not even mention the Hon. Mr Gilfillan's Bill.

The Hon. R.I. Lucas: Just answer the question.

The Hon. C.J. SUMNER: I will. The question that Mr Gilfillan asked relating to a proposal for a royal commission is not the same as a proposal for a permanent independent commission into corruption. I am not sure who is shifting ground. There were a number of aspects of the April 1982 proposal for a royal commission, the first of which was that it was limited to reviewing the findings of the Hunt-Giles-Bright reports but, more importantly, it called upon the royal commission to examine certain things.

The key things were the question of complaints against the police and the establishment of a permanent Crimes Commission. The reality is that, after the November 1982 election, the Government took action on those two points. It did not set up a royal commission, but it took action to pursue those two matters, which essentially were to attempt to establish the structure to ensure that police or any other corruption could be properly investigated.

The honourable member will recall that, against some considerable opposition from the Police Association and initially from members opposite, the Police Complaints Authority legislation was introduced into this Parliament. In the end they supported it, but they moved amendments and did not support the matter fully when it was first introduced. The Government acted on the complaints against the police by establishing the Police Complaints Authority with legislation in this Parliament.

In relation to the question of a National Crimes Commission, the Government, through me as the spokesperson on this topic, supported the creation of a National Crime Authority. When it was first suggested in 1983, in the early part of the first Hawke Government, the South Australian Government gave its support to the establishment of a permanent crimes commission at the national level, which I still maintain is the most satisfactory way to deal with these issues.

The Hon. I. Gilfillan: It is an authority not a commission.

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan interjects that it is an authority not a commission. It could well have been called the National Crimes Commission.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is right, it does have hearings. It can have open hearings if it likes.

The Hon. I. Gilfillan: Where are the reports of the open hearings?

The Hon. C.J. SUMNER: It can have them if it likes, it does not have to; it is a matter of style. The National Crime Authority can have open hearings, it is a fact. Whether you want to call it an authority or a commission is a completely semantic argument.

The other advantage of having a national body rather than a State body is that it can act across State borders, whereas a purely State royal commission or other commission cannot. So, the Government proceeded with two of the substantive matters contained in the terms of reference to the royal commission; namely, the Police Complaints Authority and the establishment of a crimes commission in the form of the National Crime Authority, which the South Australian Government has supported from its inception.

So, the thrust of the Government's initiatives in this area is to establish the structures to ensure that corruption can be identified. I still believe that the NCA is the appropriate body to carry out those investigations, and we are pursuing the establishment of a National Crime Authority office in this State.

CHILD ABUSE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about a child abuse judgment.

Leave granted.

The Hon. DIANA LAIDLAW: On 19 August Judge Newman, the Senior Judge of the Children's Court, concluded his findings in a case alleging child abuse of two girls aged six and three by their father with the following comments about the Government's current policy and practice in relation to the investigation and notification of child abuse:

> I think it makes good common sense that in all cases of suspected child abuse the initial diagnosis should be made by specialist professionals in the field best equipped by training to properly make a sound conclusion, and that validation should take place before any treatment program is planned, particularly so in cases where the investigation has not been instigated by the child making an unsolicited complaint of abuse.

Judge Newman went on to say that for those reasons he dismissed both applications. Does the Attorney-General agree with Judge Newman that it would not only 'make good common sense' but that it would also be in the best interests of children who are alleged victims of child abuse if the initial diagnosis and assessments were conducted by specialist professionals in the field and if the abuse was validated according to agreed indicators before any treatment

of the abuse was planned or commenced? Also, in relation to the concerns of Judge Newman, will the Attorney-General take steps to investigate and possibly ensure that the current practices and policies are amended to reflect the considered proposals presented by Judge Newman?

The Hon. C.J. SUMNER: From what I know of the matter, the answer to the first question is 'Yes', and the answer to the second question is: that is already occurring.

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of allegations of child abuse.

Leave granted.

The Hon. K.T. GRIFFIN: There are several cases which involve a father, whose name I will give privately to the Attorney-General because I do not think that it is proper to even use the name under privilege. These cases, which have involved the man's former wife and his children, have dragged on over three long years but culminated in a finding by the Full Court of the Family Court of Australia on 22 September 1988. The Full Family Court stated:

> In conclusion, we consider that there are aspects of this case which give rise to considerable disquiet. The method of investigation of the allegations was unsatisfactory and incompetent and led to a substantial injustice being done to the husband and wife and to the children themselves.

The facts are complicated, but in essence they involve questions of access and custody and centre on an allegation of child sexual abuse made in the context of a family court deliberation. The wife telephoned a Miss Woodman, then the coordinator of a women's shelter, to talk about access problems. The wife did not know Miss Woodman, and had had no previous contact with her. She discussed the children's behaviour but made no allegation of sexual abuse, nor did she suggest that the matter should be referred to the Department for Community Welfare. Unbeknown to the wife, Miss Woodman telephoned the department, because she concluded that one of the children may have been the victim of sexual abuse.

This call was treated by the department as a complaint that the father had sexually abused the child. A few days later, a departmental officer visited the wife and informed her that an allegation had been made by an informant (whom she would not name) that there was inappropriate sexual behaviour between the father and daughter. The wife was then encouraged to refuse access by the father to the child which she did, resulting in contempt proceedings in the Family Court being brought by the father against the wife, and these were successful. During the proceedings the department refused to disclose the identity of the informant to the father and the wife, and the nature of the information which had been passed on by the informant. Only the Minister who was conducting the case for the wife knew all the details. The judge in the Family Court found that ... 'the wife and the husband were therefore both deprived of vital information necessary for the preparation of their cases.' In the course of that case, the Minister also attempted to rely on the ground of privilege for not disclosing the information, but the Full Family Court said:

> In our view, for the Minister to rely upon doctrines of privilege in this case, was to do nothing more than seek to avoid the consequences of the disclosure of the departmental incompetence with which the complaint has been handled. However, had the Minister had his way, a very important piece of evidence would have been kept from the court.

Subsequently, the Full Family Court stated in relation to the substance of the allegation of abuse:

> The fact is that the Minister was party to proceedings which involved a grave allegation against the husband which has been found to be not merely unsubstantiated in the civil standard of proof but to be completely without foundation.

Consequently, the court upheld the decision of the trial judge and ordered that the Minister of Community Welfare pay a substantial proportion of the father's costs. As a result, the father has understandably become very angry about the department and its officers and the attitude of the Minister and the department has created for him and his former wife, as well as the children, a great deal of trauma for which the Government ought to be prepared to seriously consider and approve the payment of some compensation for the injustice which has been found by the Full Family Court of Australia.

My question is: will the Government pay compensation for injustice by way of an *ex gratia* payment to the father, his former wife and children as a result of the findings of the Full Court of the Family Court of Australia which is highly critical of the Government's actions in this case?

The Hon. C.J. SUMNER: I can only repeat what I said in relation to the earlier question. These are incredibly difficult matters and ultimately the Government takes responsibility for the actions of the Department for Community Welfare. I do not think that members should be able to get much politics out of this particular issue of child sexual abuse.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That's all right. They come in with their questions today suggesting that the Government is at fault in these matters. No doubt from time to time they will also be pressed by other people who say that the Government is not being sufficiently aggressive in its prosecution of child sexual abuse cases.

The Hon. R.J. Ritson: It is about the care and professionalism of the investigation.

The Hon. C.J. SUMNER: That is fine. All I am saying is that everyone in these matters, including the prosecuting authorities or the Department for Community Welfare, is placed in an extremely difficult position. On the one hand are those who say that child abuse cases are not being pursued with sufficient vigour. On the other hand—and this is the stance that the Opposition is taking at the moment—the attitude is that they are being pursued with too much vigour. Presumably, the Opposition's position on this will change, depending from whom they get representations.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.J. Ritson: You are completely misrepresenting it.

The Hon. C.J. SUMNER: I am not misrepresenting it. What I am saying happens to be correct. It is a fact of life. These are difficult matters, and I note that the Hon. Dr Ritson nods at that. I agree that they need to be investigated professionally and properly; there is absolutely no doubt about that. But, to try to suss out some politics from this issue is not particularly useful from the point of view of Opposition members. As I said, the reality is that their questions today indicate that the department has made mistakes. No doubt at some future time they will come in and suggest that the department has not pursued matters it ought to have pursued. The Hon. Mr Griffin has referred to one particular case. All I can say is that I will have the matter examined and bring back a reply.

PRAWN FISHERY

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister of Tourism, representing the Minister of Fisheries, a question about the Gulf St Vincent prawn fishery.

Leave granted.

The Hon. M.J. ELLIOTT: The prawn fishery in the Gulf St Vincent was the first fishery in the world to be put under management immediately upon its discovery and to have licence to fish it limited from the outset. At the time of the fishery's discovery, the Government had a policy of economic management of the fisheries instead of the *laissez faire* approach that previously existed. Fishermen issued with licences to fish the fishery were selected because of their responsible attitude towards fisheries. Prawn biologists and economists have been associated with the fishery from the outset, and this is unique to that fishery. It is probably the best documented fishery in the world with fishermen being required by legislation to provide data about catches, effort, etc., since fishing commenced. That is also unique to this fishery.

Despite this, the Gulf St Vincent prawn fishery got into a great deal of trouble and catches declined markedly to the extent that legislation was passed by Parliament only 12 months ago. Within that legislation was provision for a buy-back scheme. Several boats were removed and a requirement of the scheme was that the boats that remained within the fishery had to pay for the licences that had been withdrawn. The buy-back scheme was to be effective over a 10 year period, and the Government said that the fishery would have no trouble doing it in that time because the fishery would recover quite rapidly. In fact, data given to Opposition members and to the Democrats suggested that the fishery would recover fully between three and seven years to a sustained catch of 400 tonnes per year.

In 1985-86, which was the last year for which we had figures when debating the Bill, the catch was 262 tonnes. In 1986-87, the catch declined to 221 tonnes. The 1987-88 catch declined further to 211 tonnes. That compares with a predicted figure after a three year recovery of a catch of 400 tonnes, a five year recovery catch of 331 tonnes and a seven-year recovery figure of 308 tonnes. So, the fishery has declined, despite the assurances that we were given in this Chamber and outside that the fishery would recover under the responsible management of the Government's Fisheries Department.

The Hon. M.B. Cameron interjecting:

The Hon. M.J. ELLIOTT: It will take longer than that. They were talking three to seven years. They gave us the figures. My questions are:

1. Why has the most managed fishery in South Australia failed?
2. Is the advice that the Minister receives good advice?
3. What has happened to the buy-back scheme? Has it been returning money since the fishermen have been catching less than they were catching at the time it was implemented?
4. What future action does the Government plan?

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

EQUAL OPPORTUNITY REPORT

The Hon. J.C. BURDETT: I understand that the Attorney-General has the answer to a question about the report of the Commissioner for Equal Opportunity that I asked on 24 August.

The Hon. C.J. SUMNER: The 1985-86 and 1986-87 annual reports of the Commissioner for Equal Opportunity were delayed because of resource and administrative constraints. Both reports were made to me approximately two weeks prior to tabling in Parliament. The resource constraints have been alleviated and future reports will be furnished to me prior to 31 December, and tabled within 14 days of the commencement of the next session of Parliament.

NORTH-EAST BUSWAY

The Hon. J.C. BURDETT: I understand that the Attorney-General has the answer to a question about the north-east busway that I asked on 23 August.

The Hon. C.J. SUMNER: The Minister of Transport has provided me with the following reply:

The commuter car park at Tea Tree Plaza will provide for 403 spaces, not 320 as suggested. The size of the car park required has been estimated on the basis of patronage surveys undertaken since the busway opened and taking into account the major expansion which has already been implemented at the Paradise interchange. This data indicates that the provision of around 400 spaces is likely to meet the predicted demand in the first few years of operation. The population growth in the catchment area, including Golden Grove, is taken into account in the calculations.

The car parking spaces to be built by Westfield will be specifically for the retail and office components of the development. Westfield has stated that, if significant commuter parking occurs, action will be taken to limit such use. No specific methods of control have been developed. The STA will monitor the commuter car parking demand after opening and determine what action is possible to deal with any excess. It will be practicable to construct an additional deck over the commuter car park, but the cost would be of the order of $10 000 per space.

ANSWERS TO QUESTIONS

The Hon. C.J. SUMNER: I seek leave to have the following answers to questions inserted in *Hansard.*

Leave granted.

TAPE RECORDED INTERVIEWS

In reply to the **Hon. DIANA LAIDLAW** (17 August).

The Hon. C.J. SUMNER: The Minister of Community Welfare has provided me with the following answer:

There has been no formal request or direction from officers of the Crown Solicitor for tape recorders to be used when collecting evidence from children in initial interviews. The issue of the use of tape recorders in such instances arose in November 1987 at a legal skills workshop organised by the Department for Community Welfare. It was at that workshop that the idea was put forward that the use of tape recorders for evidentiary interviews with children could be advantageous to the Crown Solicitor in presenting a case to court. While this was the positive side to the argument, it was clear there was also a negative aspect in that any such action would need to be undertaken in a manner that would minimise the likelihood of it being challenged in court. Until there were adequate guidelines in place and staff had been instructed in those guidelines there remained the risk that the tape recording of interviews could be used to the detriment of the children involved.

As the Department for Community Welfare's only interest in presenting a case before the court is to protect the children involved, having regard to the unclear situation surrounding the use of tape recorders at evidentiary interviews, branch head circular 1904 was issued to inform staff of the situation and direct that tape recorders not be used in such instances until guidelines had been established. The honourable member will no doubt be interested to learn that a working party is being established by the South Australian Child Protection Council to consider the issue surrounding audio and video recording of evidentiary interviews. The Crown Solicitor's Office will be represented on that working party.

UNDER-AGE PARENTS INQUIRY

In reply to the **Hon. DIANA LAIDLAW** (10 August).

The Hon. C.J. SUMNER: The Minister of Community Welfare has provided the following answer:

1. *(a)* Dr Lesley Cooper was commissioned by the Hon. Dr John Cornwall, the former Minister of Community Welfare, to undertake an inquiry into the policies and procedures with respect to the children of underage parents.

(b) By arrangement with Dr Cooper, Flinders University has been paid $25 505 for Dr Cooper's services and costs associated with the inquiry.

2. The terms of reference for the inquiry were:

- Advise the Minister whether the Department for Community Welfare policies and procedures are adequate to protect the children of underage parents. This advice should specifically address departmental applications to the Children's Court for a declaration that a child is in need of care.
- Recommend appropriate action to the Minister if policies or procedures are not adequate.

3. This question is based on an inaccurate newspaper report of comments made by Ms Leah Mann, Acting Chief Executive Officer. Ms Mann has informed me that the reporter misrepresented what she said.

4. There is no suggestion that the report be covered up. The Minister of Community Welfare is currently considering the report and, subject to Cabinet approval, intends to release the report and a strategy to implement the recommendation of the report in the near future.

VIOLENT MATERIAL

In reply to the **Hon. DIANA LAIDLAW** (18 August).

The Hon. C.J. SUMNER: At the meeting of Ministers responsible for censorship on 18 March 1988, I raised concerns over violent material on audio recordings and requested that the topic be placed on the agenda for the next meeting. However, there was insufficient time at the next meeting in June 1988 to discuss this topic, as the meeting was primarily concerned with discussing the recommendation of the Joint Select Committee on Video Material. I have since requested that the topic of violent material on audio recordings be placed on the agenda for the next meeting of Ministers responsible for censorship.

WORKCOVER

In reply to the **Hon. J.F. STEFANI** (6 September).

The Hon. C.J. SUMNER: The Minister of Labour has provided me with the following answer:

Under the former scheme, premiums were paid up front. Under WorkCover, they are paid monthly or annually in arrears. That is of considerable assistance to employers in managing their cash flows. Monthly payers have seven days to pay after the end of the month—the same as for payments for group tax. If they cannot meet that deadline, a 20 per cent per annum interest is charged on the estimated levy outstanding (that is, less than the Bankcard rate; the Australian Taxation Office imposes a 20 per cent flat fine at this stage).

Fines are only applied for first defaulters after the seventeenth day, and are as follows: if payment is made between day 17 and day 24—15 per cent, and if payment is made between day 25 and day 31—25 per cent. It is only if an employer who is a first defaulter has not paid by the thirty-first day after the end of the month for which levy is due that a 100 per cent fine is imposed. To incur a penalty of 150 per cent, 200 per cent or 300 per cent, therefore, an employer has to be particularly negligent. The 300 per cent penalty is applied only if an employer:

(i) does not pay his levy for 31 days after the end of the month; and

(ii) has been a defaulting levy payer on four or more occasions over the past 12 months.

That is hardly the kind of employer who can claim to be acting responsibly with respect to his employees or his fellow employers—those who pay levies on time and play their part in keeping the scheme fully funded.

In the normal course of regular review of all aspects of the new WorkCover scheme, penalties will be reconsidered in due course. There is no intention, currently, to reduce them or to change the basis on which they are calculated. Employers are well represented on the WorkCover Board and the Government will be guided by their views on this as on other matters affecting the operation of the scheme.

In regard to the premise that WorkCover does not already make payments within a reasonable time, it is true there were some payment delays during the very early stages of WorkCover, but since then significant control measures have been introduced to ensure a prompt turnaround. By far the majority of claim payments are now made in a timely fashion and very few complaints are received from employers, workers or service providers in this respect.

QUESTIONS RESUMED

INDUSTRIAL BLACKMAIL

The Hon. J. F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of industrial blackmail.

Leave granted.

The PRESIDENT: I point out that 60 seconds remain for the question and answer.

The Hon. J.F. STEFANI: Recently we have seen examples of standover tactics used on a number of building sites where such methods of blackmail have resulted in above-award payments, unofficial good behaviour bonuses and the consequent blow-outs of building contracts. We have seen the cancellation of a $3.5 million international jewellery exhibition which was to be held at the South Australian Art Gallery because of union blackmail threats. In addition, under the threat of industrial action by the unions, most building contractors are required to seek subcontractor employee information which includes name of employee, classification, union membership, union ticket number, expiry date of union ticket, superannuation fund, employee super fund registration number, long service leave registration number of employer, long service leave registration number of employee, as well as the employer's builders licence number, expiry date, WorkCover registration number, public liability insurance and prescribed tax number.

The PRESIDENT: Order! The time for questions has expired. Call on the business of the day.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (No. 3)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act 1979. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

It seeks to amend the Children's Protection and Young Offenders Act 1979. It is to be read in conjunction with the Criminal Law (Sentencing) Act Amendment Bill 1988, as its provisions are mirrored in that other Bill. An appeal is to lie to the Full Court of the Supreme Court against a decision of that Court, on an application by a child (who has been sentenced to imprisonment for life) to be released from detention on licence.

An additional basis of appeal is to be conferred where the Supreme Court has made a decision, pursuant to section

58a (12) of the principal Act, regarding an application by a child who has been released on licence to be discharged absolutely from a sentence of life imprisonment. The right of appeal will vest in either the Crown or the child who is the subject of the Supreme Court's decision. The Bill also spells out the consequential powers of the Full Court when it has heard and determined any such appeal. 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 58a of the principal Act to provide a right of appeal to the Full Court of the Supreme Court against a decision of the Supreme Court or an application to release a child on licence, or to discharge a child released on licence from a sentence of life imprisonment. An appeal must (subject to any other order) be commenced within ten days of the date of the relevant decision. The operation of a decision to release a child may be suspended pending the determination of an appeal (if the Crown indicates at the time that the decision is given that an appeal is to be instituted).

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

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

It seeks to amend the Criminal Law (Sentencing) Act 1988 in order to confer certain rights of appeal to the Full Court of the Supreme Court on either the Crown or defendants who may themselves be subject to sentences of indeterminate duration. The Act was assented to on 5 May 1988; the provisions dealing with indeterminate sentences (for example, for offenders incapable of controlling their sexual instincts) came into operation on 12 May 1988.

Since then, both the Crown Prosecutor and the Solicitor-General have advised that the Act does not confer a right of appeal against a decision made under section 24, that is, a decision of the Supreme Court that authorises the release on licence of a person detained in custody pursuant to a sentence of inderterminate duration. Nor is such a right of appeal conferred by any other Act. It is desirable that both the applicant for release on licence and the Crown have a right of appeal. The matter is to be put beyond doubt by an express provision conferring rights of appeal.

There are other provisions in the Act (in Part II Division III, which deals with Sentences of Inderterminate Duration) where certain decisions of the Supreme Court ought also to be the subject of a right of appeal, namely by either the Crown (or the defendant) against a decision of the Court discharging (or not discharging) an habitual criminal from on order for detention (section 22 (7)); by either the Crown (or the defendant) against a decision of the court discharging (or not discharging) from an order of detention a person declared to be incapable of controlling his or her sexual instincts declared (section 23 (11)); and by a defendant against a decision of the Supreme Court, made on application by the Crown, to order that a discharge not be granted, where a person has been subject to a licence for a continuous period of three years, on the expiration of that period. These additional grounds are therefore included in the right of appeal to be conferred by the provisions of this Bill.

The Bill also spells out the consequential powers of the Full Court when it has heard and determined any such appeal. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for a new section 27a to the principal Act. This section will provide a right of appeal to the Full Court of the Supreme Court against a decision of the Supreme Court on an application to discharge an order for detention, to release a person on licence, or to extend the period of release on licence. An appeal must (subject to any other order) be commenced within ten days of the date of the relevant decision. The operation of a decision to release a person may be suspended pending the determination of an appeal (if the Crown indicates at the time that the decision is given that an appeal is to be instituted).

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

APPROPRIATION BILL

Second reading.

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

That this Bill be now read a second time.

It is the annual Appropriation Bill to give effect to the budget which was introduced in the House of Assembly some weeks ago. The budget papers, including the Treasurer's statement on the budget, have been tabled in this Parliament. I commend the Bill to members and indicate that this matter should be disposed of by the end of the next week of sitting.

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

LOANS TO PRODUCERS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

As this matter has been dealt with in the other place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the Loans to Producers Act 1927. The Loans to Producers Act authorises the Government to make loans to cooperative societies and landholders with the object of encouraging rural production and to persons and associations for purposes associated with fishing. The Act is administered by the State Bank as agent for the Government. Regulations have been made under the Act prescribing purposes for which loans may be made, the form of applications and the particulars required to be

supplied with applications. These regulations have been reviewed under the Government's deregulation program.

The State Bank has advised that lending under the Act is still very active. However, apart from the requirement to prescribe the purposes for which loans may be made, which is a matter for Government determination, the remaining matters covered by the regulations are of an administrative nature and could be left to the bank's discretion. The bank is fully supportive of the proposal to allow discretion in administrative matters. This would give the bank greater flexibility in administering the Act thereby enhancing customer service. The amendments to the Act contained in this Bill are to remove those provisions requiring various matters to be prescribed by regulation. I commend the Bill to members.

Clause 1 is formal. Clause 2 amends section 5 of the principal Act which provides for loans to producers. The amendment removes the need to prescribe by regulation the security on which loans are to be granted and gives the bank a discretion to choose such security as it thinks fit.

Clause 3 repeals section 6 of the principal Act and substitutes a new provision. At present this section requires an application to be made in the form prescribed by the regulations, to contain such particulars as are prescribed and to be supported by such evidence (if any) as is prescribed or as the bank requires. The new section provides for an application to be made in a form approved by the bank and to contain such information and be supported by such evidence (if any) as the bank requires. Clause 4 amends section 7 of the principal Act which deals with loans by instalments.

Clause 5 amends sections 8 and 8a of the principal Act and substitutes a new provision. At present section 8 requires a loan to be secured by way of mortgage, lien or a form of security prescribed by regulation. The new section requires a loan to be secured by mortgage, lien, bill of sale or such other form of security as the bank thinks fit. Clause 6 repeals section 14 of the principal Act and substitutes a new provision. This is the regulation-making power.

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

TELECOMMUNICATIONS (INTERCEPTION) BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 8, page 7, lines 30 to 34—Leave out subclause (2) and substitute the following subclauses:

(2) If, as a result of an inspection under subsection (1), the Authority is of the opinion that a member of the Police Force has contravened the Commonwealth Act or that the Commissioner has contravened section 6 *(a)* or *(b)*, the Authority—

(a) must include a report on the contravention in the report under subsection (1);

and

(b) may submit a report on the contravention to the appropriate officers of both Houses of Parliament to be laid before their respective Houses.

(3) Before making a report on a contravention under subsection (2), the Authority must give the Commissioner an opportunity to make comments in writing on the report and must include in or attach to the report any comments made.

No. 2. Clause 10, page 8, line 43—Leave out '8' (twice occurring) and insert, in each, '6'.

No. 3. Clause 10, page 9, line 3—Leave out '8' (twice occurring) and insert, in each case, '6'.

No. 4. Clause 11, page 9, line 9—Leave out '8' (twice occurring) and insert, in each case, '5'.

The Hon. C.J. SUMNER: I move:

That the House of Assembly's amendments be agreed to.

Clause 8 (2) provided that where the Police Complaints Authority, as a result of an inspection, is of the opinion that a member of the Police Force has contravened the Commonwealth Act, or that the Commissioner has contravened clause 6 *(a)* or *(b)*, the authority may include in a report under subclause (1), a report on the contravention.

The Hon. Martyn Evans moved an amendment in the other place to provide that the authority 'must' include the contravention in the subclause (1) report and may submit a report on the contravention to both Houses of Parliament. Before making a report, the authority must give the Commissioner the opportunity to comment on the report. That does not seem to be a matter that should cause any difficulties and, consequently, was supported by the Government in another place.

The penalties under clauses 10 and 11 were increased by amendments in the other place. This was an undertaking that I gave in this place and the Government has now determined that the penalties should be increased. During the debate the Hon. Mr Griffin asked when the legislation would come into operation. I can advise the honourable member that the police are to commence testing a new system in November. The tests will probably be completed in March, at which time the Government will probably look at bringing the legislation into operation.

The Hon. K.T. GRIFFIN: I am prepared to support the motion. In relation to the first amendment, it seems to be fair that, if a report is to be tabled in Parliament that refers to breaches of the Act by the police or the Commissioner, then the Commissioner should be given an opportunity to comment on the report and to have his comments included in that report.

I also agree that the penalties should be increased. As the Attorney indicated, he gave an undertaking that that would be reviewed and, for the sorts of offences to which the penalties in amendments numbers 2, 3 and 4 refer, it is appropriate to have the tougher penalties, both in fines and imprisonment.

Motion carried.

The Hon. K.T. GRIFFIN: Madam Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 853.)

The Hon. L.H. DAVIS: The Bill brings in overdue changes to the payroll tax levels in South Australia. The proposals certainly increase the level of exemption for payroll tax in this State. However, even so, after this legislation is put in place, only Western Australia will have a lower exemption level of $295 000.

The fact is that the exemption level has remained at $270 000 for two years, and that the Bill now before us proposes to increase this level of exemption in two stages, the first to $300 000 from 1 October 1988, and the second to $330 000 from 1 April 1989. The impact in the current financial year will be to reduce payroll tax receipts by some $4 million, and, in a full year, by some $8 million.

It is true that payroll tax remains a sticking point in the State taxation system. For many years, politicians on both sides of the political fence have complained about what is effectively a tax on employment. At the 1985 tax summit the Premier called for the abolition of payroll tax, saying:

In the view of the South Australian Government the major priority in business taxation reform should be the serious exam-

ination of viable options to significantly reduce or phase out payroll tax.

That is a strong, unequivocal statement which says that a tax on employment is inequitable. It is an impediment to creating additional employment. It is iniquitous in any sensible taxation system.

States around Australia have sought to alleviate the burden of payroll tax by progressively increasing the level of exemption, and South Australia has also, with a series of moves over recent years, progressively increased its level of exemption. The fact is that in Tasmania and Queensland, for the 1988-89 State budgets, the exemption level is $500 000. The exemption level in New South Wales from 1 January 1989 will be $424 000. In Victoria the exemption level will be $300 000, and $320 000 from 1 January 1989.

It is clear, therefore, that South Australia will be disadvantaged against other States, and particularly against Victoria, in this very important area of payroll tax, as was the case with land tax. I explained this when speaking to the Land Tax Act Amendment Bill in the Council only yesterday.

For 17 months Victorian small businesses in particular, with payrolls in the major and most common range, will therefore have an advantage over their counterparts in South Australia. After 1 April 1989, businesses in South Australia will continue to be worse off than their Victorian counterparts who have payrolls of under $2 million. Therefore, as a result of land tax and payroll tax, we see South Australian small business suffering.

State Governments around Australia have progressively sought to reduce the overall contribution to taxation through payroll tax. Payroll tax now comprises only 28 per cent of the total South Australian taxation revenue and that is in sharp contrast to the 1981-82 figure of 41.5 per cent; in other words, along with other Governments, this Government has sought to use other measures to increase taxation.

In South Australia, in its six years, the Bannon Government has effectively trebled land tax revenue. There have been dramatic increases in petrol tax and in taxes from gambling. One of the arguments that may well be advanced by the Government is that the payroll tax revenue has progressively reduced because, over a period of time, it has increased the threshold which exempts business from paying taxation. However, the fact is that the South Australian payroll tax revenue has reduced not only as a proportion of total State taxation because the threshold has been progressively increased but also employment growth in South Australia has been so slow over recent years.

Figures released today by the Australian Bureau of Statistics indicate that, for the 12 months to 30 September 1988, employment growth was about 3 per cent for South Australia against a national average of 4.4 per cent. Over the past five or six years that pattern has been established where South Australian employment growth has been consistently below the national average. Indeed, in many periods it has been the lowest figure for all Australian States, so that has had a dampening influence on payroll tax collections.

To put the payroll tax payable by South Australian businesses into some perspective against their counterparts in other States, I will cite some examples. In South Australia, following this legislation, after 1 April 1989, the threshold will be $330 000 but, if one looks at payroll tax payable by businesses with an annual payroll of $400 000, it reveals a sorry story. In South Australia, a business with a payroll of $400 000, which is equivalent to 16 persons on an average annual wage of $25 000 per annum, will pay $6 250 in payroll tax, which compares with $4 800 tax payable by a Victorian company of similar size.

A similar company in New South Wales would not pay any payroll tax at all and the Queensland payroll tax would be only $5 066, so any business with 16 employees on an average salary of $25 000 will pay more payroll tax in South Australia than in Victoria, New South Wales or Queensland.

In relation to a company which has a payroll of $1 million with 40 employees on an average annual salary of $25 000 per annum, the South Australian business would pay $43 750 compared to only $40 800 in Victoria. The South Australian payroll tax for a company with a payroll of $1.5 million would be $75 000 compared to $70 800 for a Victorian business.

It is quite clear that these foreshadowed changes, whilst going some way towards alleviating the payroll tax burden for small business in South Australia, still do not bring South Australia into line with all Eastern States. In relation to quite large businesses with annual payrolls of up to $2 million, under this proposed legislation South Australian businesses will still pay more payroll tax than their Victorian counterparts.

This measure, along with the measure discussed yesterday that modifies land tax payable in South Australia, does not go far enough to overcome the real economic burden which faces South Australian business. Those businesses, whether they be retail, manufacturing or primary industry, are all suffering from real problems relating to economic depression. That is not too strong a word, because there is no question that, if one looks at the broad range of economic indicators, rather than being a leader, South Australia is a follower in economic performance. Rather than being at the top, South Australia is at the bottom of the economic ladder and, rather than being on the move, it is staggering under the accumulation of a taxation burden, a sluggish economy and a high borrowing State Government.

Whilst in this Parliament the Liberal Party is obliged to support this measure as a money Bill, it does so with no relish and with no great conviction. It does so only because it recognises that, in some small measure, this relief is better than no relief at all.The Government should not take comfort from the fact that this legislation will bring about any great change in economic prosperity. This proposal to modify payroll tax does not even bring this State into line with payroll tax paid by companies in the Eastern States during the calendar year 1989. It is not good enough and the Opposition is justified in saying that on the facts of the case.

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

CULTURAL TRUSTS ACT AMENDMENT BILL

Second reading.

The Hon. BARBARA WIESE (Minister Assisting the Minister for the Arts): I move:

That this Bill be now read a second time.

The purpose of this Bill is to amend the Cultural Trusts Act 1976. Its principal object is to enable the regional cultural trusts to implement aspects of the new organisational structure for regional cultural management and artistic programming adopted by the Government after extensive study and consultation.

The responsibilities of the Arts Council of South Australia and the four regional cultural trusts are being combined to establish a 'balanced structure' which will provide both stability and effective management for arts activities in the non-metropolitan areas of the State. The structure adopted retains all four existing regions, and addresses the needs of

the 'central region' which includes the Fleurieu Peninsula, the outer metropolitan area and Kangaroo Island. Most importantly, it provides for direct local involvement in decisions concerning activities and funding recommendations, and is coordinated by a central body, called the Regional Cultural Council, which has a policy development, funding and monitoring role. The central body also has responsibility for servicing the central region and coordinating State-wide tours of cultural activities.

Specifically, this Bill amends the Cultural Trusts Act to provide arts groups, community organisations and interested individuals in regional communities with the opportunity of becoming members of the cultural trusts, and of nominating, by the elective process, members for appointment as trustees. The amendment provides for the appointment of eight trustees for each region, all of whom must be residents of the relevant proclaimed trust region, and four of whom will be nominated from persons elected by trust members. The terms of those appointments are specified, and the expanded powers of cultural trusts are clearly defined for the first time.

The Bill also provides for the making of additional regulations to prescribe the manner in which persons or organisations can become members of a trust, the fees for such membership, and the holding of elections to nominate members for appointment as trustees. The new structure has been widely discussed and has been accepted by the Arts Council of South Australia which has resolved to continue as a non-funded, voluntary network organisation. Similarly, the amendments contained in this Bill have been developed in consultation with the present regional cultural trusts. 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

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends section 3 of the principal Act which is an interpretation provision. The amendment inserts a definition of 'subscriber'. Clause 4 repeals section 6 of the principal Act and substitutes a new provision. This deals with the membership of cultural trusts. Trusts are to consist of eight trustees appointed by the Governor. One is to be nominated by the local council or councils and seven are to be nominated by the Minister. Of those chosen by the Minister, four must be chosen from persons elected by the subscribers. Subscriber trustees are to be elected annually. Other members of a trust can hold office for up to three years. Trustees may be reappointed but not so that any person is a trustee of the same trust for more than six consecutive years. By-elections must be held to fill casual vacancies in the case of subscriber trustees if the next general election of trustees is not due for at least four months. All nominees must be local residents. One must be representative of local business. The section also provides for the removal of trustees by the Governor, and specifies when a trustee's office becomes vacant.

Clause 5 amends section 8 of the principal Act which sets out the powers of a trust. Clause 6 repeals section 17 of the principal Act and substitutes a new provision. This is the regulation-making power. The amendment includes power to make regulations with respect to subscriber membership of trusts and the holding of elections and by-elections for appointment of subscriber trustees.

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

STATUTES REPEAL (AGRICULTURE) BILL

Second reading.

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

That this Bill be now read a second time.

The purpose of the Bill is to repeal:

(a) the Chaff and Hay Act 1922;

(b) the Tobacco Industry Protection Act 1934; and

(c) the Veterinary Districts Act 1940.

The objective of the Chaff and Hay Act 1922 was to prevent the adulteration of chaff and hay with unwanted seeds and to control and regulate its sale. At the introduction of the legislation there was a large market for chaff and hay required to feed horses that were then used on most farms to pull agricultural equipment. Hay and chaff contaminated with weed seeds posed a serious risk of spreading weeds between farms and districts. Weed control is now managed by the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986.

Hay and chaff were sold by weight and not volume, and there was opportunity for unscrupulous dealers to increase the weight of their product by adding moisture. The legislation set an upper limit of moisture content that was acceptable. With modern technology and the reduction in the number of working farm horses to almost nil, use is now made of baled hay as stock feed. The sale of chaff is now almost totally confined to the limited market of recreational and thoroughbred horses and does not need legislation to control quality. The need for the legislation has lapsed. The United Farmers and Stockowners Association has given support to repealing the legislation.

The Tobacco Industry Protection Act 1934 was introduced in November 1934 to provide for the control of disease in tobacco plants. The object of the Act was to require every person growing tobacco plants to completely destroy all plants before 31 July each year. This was considered necessary to prevent the spread of disease from one season to the next. The Act also contained provisions for control of the sale of tobacco seeds and seedlings.

The tobacco growing industry was never successful in South Australia mainly due to a combination of unsuitable soil types and poor climate. In or about 1939, the Australian tobacco industry declined, and since that time South Australia has not been involved in the commercial growing of tobacco. It is extremely unlikely that the tobacco growing industry will ever be re-established in South Australia and therefore the need for the legislation has disappeared.

The Veterinary Districts Act 1940 was introduced to provide for the establishment of veterinary districts with the power to raise funds from stockowners with the aim of encouraging veterinarians to establish rural practices throughout the State, at a time when veterinary services in South Australia were restricted. The legislation has had very limited use, and the need for it now has been overtaken with the independent establishment of rural practices throughout the State sufficient to service the needs of the community. The South Australian Veterinary Association and the United Farmers and Stockowners Association have given their support to repealing the legislation. 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 repeals the Acts set out in the schedule.

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

ADJOURNMENT

At 3.59 p.m. the Council adjourned until Tuesday 1 November at 2.15 p.m.