## LEGISLATIVE COUNCIL

Wednesday 14 February 1990

**The PRESIDENT (Hon. G.L. Bruce)** took the Chair at 2.15 p.m. and read prayers.

## QUESTIONS

### NATIONAL CRIME AUTHORITY

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

Leave granted.

**The Hon. K.T. GRIFFIN:** Last Thursday the Attorney-General said:

> When I sought the roundup of reports from the authority, which I sought on 30 November last year, I included in that request a request for the report on Operation Ark.

My questions are:

1. Will the Attorney-General table that request?
2. Will the Attorney-General reveal precisely how many reports the Government has received?
3. Without jeopardising any ongoing investigations, what matters did those reports deal with?
4. When will the Government make a public statement on its response to those NCA reports?

**The Hon. C.J. SUMNER:** No, I cannot table that letter because it refers to a number of operational matters that are clearly confidential. However, it did request information in relation to a number of reports. I have previously indicated that when those reports are to hand—and they are in fact now to hand—the Government will be making a statement on the operations of the NCA in South Australia during the past 12 months. However, the information obtained from the authority has to be collated and considered together with material received from the Anti-corruption Branch. I would be hopeful that, when the statement is made, we can go through the allegations made in 1988 and provide some information at least in relation to those matters—that is, whether they have been investigated and found not to be of any substance or whether there are in fact ongoing investigations in relation to them.

Clearly that statement will have to be considered, taking into account any operational requirements and confidentiality that will be needed, both for the reputation of individuals and, as importantly, such as not to prejudice ongoing investigations. I would not expect the Hon. Mr Griffin to expect the Government to provide a public statement which might prejudice ongoing investigations.

So clearly there have to be some limits to that. I cannot say precisely when that statement will be made. However, I said, I think it was in December initially, that the Government intended during this autumn session of Parliament to make a statement on the activities of the first 12 months of the NCA in South Australia, and that is still the intention. I will take into account the honourable member's questions when preparing the statement that I have indicated the Government will make.

**The Hon. K.T. GRIFFIN:** By way of a supplementary question, in the light of those replies, is the Attorney-General able to indicate how many reports he has received as a result of the 30 November 1989 request, and is he able to indicate when the reports were received?

**The Hon. C.J. SUMNER:** I am not able to do that at this moment. I do not have that information in front of me. However, I will consider that question when preparing the formal statement which I have already announced will be made to the Council when the reports have been considered and collated with other material that the Government has.

### FILM CORPORATION

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister for the Arts a question about the South Australian Film Corporation.

Leave granted.

**The Hon. DIANA LAIDLAW:** In September last year the South Australian Film Corporation signed a contract worth more than $4 million with the Japanese film company Suburiya Productions to produce in Adelaide a series on this Japanese super hero Ultraman, who I understand is a 15 metre answer to Superman. Recently, however, I have been advised that relations between the joint partners have soured over significant cost increases to be incurred due to a revised production technique for shooting monsters in suits. At this stage the extra costs are estimated to be in the vicinity of $700 000 over budget. While I am advised that there is no dispute over the fact that insufficient allowance has been made in the budget for the $700 000 figure, I understand that the partners are at loggerheads as to the manner in which the sum is to be recouped. I therefore ask the Minister:

1. Is it correct that the South Australian Film Corporation has felt compelled to advise Suburiya Productions that, unless a clear undertaking was given by 8 February this year that the extra costs incurred by the corporation would be met by the Japanese company, the corporation would feel entitled to cease work on about the 20th of this month and to proceed to law for damages?
2. If so, will the Minister advise whether or not Suburiya has agreed to the corporation's ultimatum and whether or not the corporation has found itself with no other option but to seek appropriate damages from Suburiya for the projected losses that the corporation would incur by ceasing work at the end of the action shooting in about seven days?

**The Hon. ANNE LEVY:** In response to that, I certainly know that consideration was given to advising Suburiya that there was disagreement regarding who was responsible for the extra cost resulting from the changed production techniques. The argument hinges on whether it is an average or whether it was due to a time delay because, under the terms of the contract, who is responsible for extra costs depends on which category the extra finance falls into. As I understand it, consideration was given, as one of the possible options, to issue what the honourable member called an ultimatum to Suburiya. However, that course of action was not followed, and I suggest that the honourable member's source of information was a little out of date, as that course of action was obviously considered as one of the possible options that the film corporation could follow.

However, after discussion of all possible options, that particular option was not taken. Further discussions have taken place with Suburiya and I understand that an agreement has been reached and signed—I am not sure whether it was yesterday or the day before—in relation to a division between the Japanese company and the SA Film Corporation on the method of funding the extra costs involved. That agreement has been signed, and there is no suggestion that the filming of *Ultraman* will not continue or that it will not be completed.

## VICE SQUAD

**The Hon. I. GILFILLAN:** I seek leave to make a brief explanation before asking the Attorney-General a question about an inquiry into the Vice Squad of the Police Department.

Leave granted.

**The Hon. I. GILFILLAN:** In a radio interview this morning about a matter that I raised yesterday—namely, a deposition by a police sergeant in relation to the activities of the Vice Squad—the Attorney-General indicated that the material referred to was gathered in consequence of an inquiry ordered by him to be undertaken at a time apparently just before the charging of two ex-Vice Squad officers with involvement in the death of Dr Duncan. The Attorney-General also indicated on the program that the inquiry had not been finalised, although it appeared that the original inquiry was set up at the request of the Attorney-General between 2 and 2½ years ago. On that basis I ask the Attorney-General:

1. What were the terms of reference and the extent of the inquiry ordered by him?
2. Has he had any interim results or information given to him as a result of the inquiry?
3. When does he expect to have a final report?
4. Has he been informed of any action that may have been taken resulting from the inquiry?
5. Has he informed the Minister of Emergency Services, who is Minister in charge of the police, of the terms of reference and the detail of the inquiry that he ordered?

**The Hon. C.J. SUMNER:** I am obtaining information in relation to the questions asked by the Hon. Mr Gilfillan yesterday. He referred to certain information and, obviously, the Police Commissioner is considering that at present. However, the information that I have to date—and one must follow through and try to find what Mr Gilfillan is referring to—is that this document to which he refers (and I cannot yet discuss its veracity or otherwise) arose out of inquiries being conducted following the task force established following media attention given to the drowning of Dr Duncan. Members will know that that drowning occurred in the early 1970s.

Members will know that after media attention was given to the issue some three or four years ago a task force was established which, at that stage, included a Deputy Crown Solicitor (Mr Bowering) and police officers, to look at the new information that had been raised in the media in relation to the Dr Duncan drowning. That task force collected further information, including, I assume, information from Mr Gilfillan's informant on this matter and, as members know, the Crown Prosecutor recommended that charges be laid against three people in relation to that drowning.

In the event, all those charges were dismissed—one at the committal stage and two by a jury after a trial. Also arising from those allegations were certain matters that the task force had to consider which did not relate specifically to the officers who were eventually charged but which related to other matters that had been raised in the context of the Vice Squad. Those additional matters—which, as I said, were separate from but related to the decision to charge people with the Dr Duncan drowning—are still under consideration by the task force or, at least, by the internal investigation branch within the South Australian Police Department.

I understand that the document to which Mr Gilfillan refers was considered as part of that task force's deliberations. That is as I understand the position at the moment, although I have received only a very cursory briefing on the matter to this point. I will, of course, have the questions raised by the honourable member examined, and I intend to provide a full response to the Council as soon as that information is to hand from the Police Commissioner.

**The Hon. I. GILFILLAN:** As a supplementary question, did the Attorney-General, on the Keith Conlon program this morning, indicate that the inquiries were undertaken at his orders or request, and has he informed the Minister of Emergency Services (Hon. J.H.C. Klunder) of that inquiry and kept him aware of what he knows of the matter?

**The Hon. C.J. SUMNER:** I assume that the Minister responsible for the police—the Minister having changed over the period to which we are referring—was aware of this matter. There was no secret about it, I might add. I sometimes despair in this arena of the fact that I have to re-invent the wheel every time I get on my feet in relation to a large number of these matters. Matters are given prominence in the press: the memory of, perhaps, members of Parliament and members of the press corps seem to be so short that, despite the fact that large numbers of matters are made public 12 or 18 months before, when the issue all of a sudden becomes flavour of the month again I get asked all the same questions that I answered 18 months before. All I am saying in relation to this matter is that what the Government did in relation to the Dr Duncan allegations was made public at the time.

**The Hon. I. Gilfillan:** But did you order the inquiry?

**The Hon. C.J. SUMNER:** I will check the details of that and respond to it when I make my full statement.

**The Hon. I. Gilfillan:** You said you did this morning on Conlon.

**The Hon. C.J. SUMNER:** Sure. As I understand it, I am seeking information on the matter. You, Mr Gilfillan, have asked the question: if you just control yourself for a little bit of time you will get the answer to it as soon as the information comes to hand. What I was telling the honourable member, and what I said this morning, was that 'I believe'—I will find out, I will check, I will ascertain, and come back and tell the honourable member exactly what the situation is, once the matter has been formally reported to me.

The honourable member has referred to a document somewhere in the South Australian Police Force. I believe, on my cursory briefing in relation to the matter, that it is a document that arose out of the inquiries by the task force into the Dr Duncan drownings. That is as far as I can take the matter at the moment, and the honourable member will be aware that I in fact established the task force. That is what I was referring to: I established the task force following the Dr Duncan allegations that were made in the media some three or four years ago.

Two things have flowed out of that. One was the prosecutions of three former police officers, which have been dealt with by the courts. The other matter was in relation to certain allegations made about police officers, that came up as a result of that task force's examination of those allegations, made in public at that time.

My assumption is that what the Hon. Mr Gilfillan is referring to is a statement taken during the course of that particular inquiry. I cannot take it any further than that, today. That is the information I have to date and I assume that it will be confirmed or otherwise tomorrow, when I have the full report from the South Australian Police Commissioner. As I understand at the present time, they are the circumstances in which this particular document, referred to by the honourable member, arose.

## EUROPE 1992

**The Hon. M.S. FELEPPA:** I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Industry, Trade and Technology in another place, a question on the subject of Europe 1992 and the Single Market Act.

Leave granted.

**The Hon. M.S. FELEPPA:** The European market has committed itself to abolishing internal trade barriers by 1992. The economic integration of the 12 European Community countries will create a common market with more than 320 million consumers, making it the largest consumer market in the world. As trade restrictions are loosened, European and, increasingly, non-European companies and businesses are gearing up to compete in the Europe of the 1990s. European 1992 opportunities can provide a large number of firms in a country like Australia with a chance to expand business overseas; however, the time factors are very crucial. The chance is one in a century; the time to act is now, or else this opportunity will be completely missed.

To my knowledge, the Department of Industry, Technology and Commerce in Victoria, through the European Community program, is prepared to help Victorian firms implement a European strategy, which is simply designed to encourage firms and to take advantage of the opportunity. So, my questions to the Minister are as follows: first, how does the South Australian Government view the event in relation to the European single market and, in particular, how does the Minister of Industry, Trade and Technology rate the preparedness of South Australian companies in relation to the opportunities offered by Europe 1992? Secondly, is the Minister aware that his Victorian counterpart has already established a special departmental unit for the specific purpose of assisting companies interstate to assess the European market? If a similar unit has been established here in South Australia, will the Minister indicate how long it will take to have more information publicly released on this matter, to specifically assist small and medium companies to enter into a joint venture or form arrangements with the companies already established in Europe?

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

## HENLEY AND GRANGE COUNCIL

**The Hon. J.C. IRWIN:** I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Henley and Grange council.

Leave granted.

**The Hon. J.C. IRWIN:** The Opposition has been given information confirming that the additional information sought by the Minister from the Local Government Advisory Commission does not alter its advice to the Minister contained in its first report received prior—and I underline 'prior'—to the last State election and while the controversy over the Flinders proclamation was in full swing. That advice was that the Henley and Grange council would be abolished and split between Woodville and West Torrens. The Minister's answer to me yesterday virtually says the same thing. Further, in relation to the Minister's statement made to this Council on 23 August last year regarding local government boundaries, it was stated on page eight under the heading 'Committee of Review':

> I will also suggest to the advisory commission that it may be advisable for it not to finalise other proposals for boundary changes which are currently before it, as the procedures and methodology thought desirable may change as a result of the review. I make an exception for the proposal regarding Mitcham which I have made recently to the commission, as the Premier and I agreed with Mitcham representatives that this matter should be resolved as soon as possible. But if new processes are to result from the review, I feel it would be better to implement them for the current 22 proposals before the commission, rather than at a later date.

I shall quote the last part of the terms of reference of the committee of review, attached to the ministerial statement, as follows:

> Specifically, the committee is to consider means of ensuring affected residents have every opportunity of being informed about and expressing their views on proposals. In carrying out its inquiries the committee should specifically examine the desirability of electors polls and the weight any such poll should have in relation to other relevant considerations. In addition, the committee should examine the value of market research of various kinds and the range of methods available for informing and consulting affected electors.
>
> Recommendations of the committee may lead to changes in legislative provisions governing the reference of proposals to the Advisory Commission, the procedures for enquiry by the Advisory Commission or by the Minister of Local Government once the report from the commission is received.

The commission itself says in the just released City of Flinders report, No. 141, at 6.18:

> A committee of review, established by the Minister of Local Government, is currently examining procedures to ensure that residents have an appropriate influence in decisions relating to boundary change and is the appropriate vehicle for making decisions on these matters.

As the Minister is now in a consulting mode with the Local Government Advisory Commission and councils, will she, first, consult with the people by advising that a poll should be held after the findings of the Local Government Advisory Commission have been released for public information and prior to proclamation? Secondly, as the commission itself has said the committee of review is the appropriate vehicle for making decisions on how residents have appropriate influence on decisions relating to boundaries, will the Minister uphold her public commitment made in this Council not to implement any proposal now before the commission until the committee of review advice has been widely discussed in public?

**The Hon. ANNE LEVY:** As I indicated to the Council yesterday, and as I have reiterated over many months, I received a report relating to the boundary proposals regarding Henley and Grange, Woodville and West Torrens last August, I think it was. At that time the controversy over the City of Flinders concerned many people and there were considerable cries that there had not been sufficient consultation, or sufficient opportunities for consultation, before the Local Government Advisory Commission made its recommendation regarding the City of Flinders. In the light of that, I referred the report from the Local Government Advisory Commission back to it, asking specific questions—which I am sure I read into *Hansard.*

I asked it specifically—I do not have the document in front of me so I may not get the words quite accurate—whether it could reassure itself and me that there had been sufficient consultation on the question of the boundaries involving the three councils I have mentioned. What I have now received is a reply from the Local Government Advisory Commission regarding that question which I posed to it. It has obviously made inquiries, considered what evidence it could find on this matter and replied to my question.

I have discussed this matter with representatives of the three councils concerned. They now wish to discuss that matter with their own councils, which is a perfectly understandable and proper procedure, and we are to have a further meeting next week when the matter can be further

discussed in the light of the discussions which the three mayors will have with their councils. I did state yesterday that I felt the matter should remain confidential until we have completed those discussions and that further courses of action will depend on the result of those discussions.

**The Hon. M.B. Cameron:** Why should it remain confidential?

**The Hon. ANNE LEVY:** I think primarily it is a matter that concerns the three councils, and I would like the three councils to learn about it from their mayors—not from the press—and to have an opportunity to discuss it. I can assure members that, after our meeting next Tuesday with the representatives of the three councils, I will be perfectly happy to make public statements, but I think it is a courtesy to the councils that their mayors and CEOs should appraise them of the discussions we had yesterday, have a chance to discuss that and then come back to me so that we can then have more fruitful discussions next Tuesday after each of the three councils has had a chance to discuss the matter.

There is no hidden agenda as to why I could not inform the Council but, as a courtesy to the councils involved, I would ask that they learn of this matter from their mayors and CEOs and not from reading some report in the press. At this stage, it seems to me that the matter primarily concerns the three councils and that, following our discussions next week, I will be perfectly happy to make public statements and indicate the course of action which will be followed from then on. However, at this stage I feel it is a common courtesy not to discuss any details regarding this matter.

*An honourable member interjecting:*

**The Hon. ANNE LEVY:** When I initially set up the committee of review, I hoped it would be able to report to me by the end of last year. I cannot remember whether it was late November or early December, but I think it was early December when the committee contacted me and said it would be unable to complete its task by the end of the year and that a proper consideration of all the issues involved was proving more time consuming than it had originally anticipated.

The committee indicated that it would not expect to provide its final report to me until May of this year, although it did hope that an interim report should be available before then. As yet, I have not received an interim report, but I understand that I am likely to get one in the not too distant future. I certainly suggested that the 22 proposals currently before the commission should not be reported on prior to the committee of review reporting in that changed procedures may result from the committee of review and that these should apply to the proposals which are in the pipeline, not just to those which come after the committee of review.

Perhaps I could add to what I have been saying, although it is really answering a question which the Hon. Mr Irwin has not yet asked me. I have had a request from the Local Government Advisory Commission that it be able to report to me on two of the 22 proposals. In one case it is a boundary adjustment which is completely trivial, involving no residents whatsoever, and on which there is complete agreement between the two councils involved.

In the other case, there is a proposal for an amalgamation which is completely agreed on between the two councils involved, and I understand by all the residents of the two communities. It seemed to me in these two cases, if the facts are as indicated to me, that there would be no point in delaying consideration of these matters until the committee of review had reported, as any procedures they suggested were likely to be irrelevant.

In consequence, I have indicated that I would be quite happy to receive those two reports at the convenience of the commission. I have not yet done so, but I presume that the commission will continue its work on those two proposals and make its recommendations to me well before the committee of review reports. I mention this because, while I have stated that I did not wish to receive any reports prior to the committee of review reporting, there are these two exceptions which I expect to receive, and they are very legitimate exceptions to make in the circumstances.

## INTELLECTUALLY DISABLED

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the care of the intellectually disabled.

Leave granted.

**The Hon. M.J. ELLIOTT:** I have been aware for some years of growing anger, particularly among parents and foster parents of intellectually disabled people—in most cases, younger people. In fact, in the newspapers over the past couple of weeks, there have been several cases where people who have been caring for intellectually disabled have had extreme problems. One case was first brought to my attention about three months ago and it illustrates the sorts of problems, although this is a rather extreme example, that some people go through.

This case involved a foster parent who, at the beginning of 1988, fostered a child who was three years old, totally blind, spastic, quadriplegic and intellectually handicapped. In fact, this person was so severely brain-injured that few of his bodily functions worked. This meant that he needed anti-convulsant therapy and blood assays on a regular basis; he suffered chronic constipation which for some time required the manual removal of faeces but now an occasional enema solves most of the problems. He suffers chronic reflux problems with frequent inhalation which led to the stopping of his breathing on a number of occasions; and he required careful supervision of a chest condition and regular postural drainage five times a day. Gastronomy was considered, but that entailed all sorts of problems. The child needed six feeds per day but, because he was so severely spastic and not able to chew or swallow, it caused all sorts of problems. The list goes on.

About 10 different drugs were administered three times per day. For this, the care-giver was provided with $15 000 a year to care for the child, but that really barely met the medical costs regardless of anything else. For about 18 months, they went back to the IDSC and said, 'We are happy to look after this child. In fact, we would really like to make it a long-term situation.' However, they were looking for some sort of shared care arrangement or respite, etc., and IDSC continually knocked them back. Strangely enough, after the *7.30 Report* did an interview with them just before Christmas, IDSC came good with those people.

I have a list of other people who have come with problems of a similar nature, although this was a particularly severe case. In most cases, it involves people who have decided to keep children out of institutions. They have never been in institutions to start with, so the Government's deinstitutionalisation policy does not offer anything to them at all. As I understand it, in December 1988 about 675 people, of whom 154 were designated as urgent, were waiting for planned and supported accommodation. I understand that, since that time, the situation has barely changed. I also understand that about two new cases per week come to light

of people who are in urgent need of care, where the parents have become too old to care for them any more and there is nowhere for them to go. I also understand that it is causing a great number of problems for literally thousands of people.

About 75 per cent of available funds at this stage are being allocated to accommodation projects exclusively for people being moved from institutions, and the criticism made to me is about not the money being spent on deinstitutionalisation but the total lack of money spent on those children, who are now often grown up, whose parents have decided to keep at home but with whom they can no longer cope, or, as in the case I cited earlier, where foster parents have taken people but are simply not being given the sort of assistance we think would be humanely available. They are pressing for a great increase in funding for those people. I have a number of questions to put to the Minister, and I realise that they will need to be referred to the Minister of Health.

As I understand it, the Victorian Government has recently committed an extra $30 million for each of the next three years to confront the sorts of problems that we have in South Australia, and the IDSC recently asked for an extra $10 million itself. What is the Government's response to this request? Will the Minister indicate how many people, as of today, are currently on the waiting list for planned and supported accommodation and whether or not there are any estimates as to how many 'unknowns' there may be in the community who will come on to those lists? Also, will the Minister say when the Steer review, dated 1987, will be implemented, and can the Minister tell the Council what is being done to close the massive gaps in service provision which were identified in the review?

When will a working party be set up to report back on vocational options and daytime activities for people with disabilities, as recommended in the Steer report? What funds are being made available to implement early intervention programs, respite for families and therapy services, especially for children and adolescents? In light of the fact that the Intellectually Disabled Services Council has moved away from service delivery and yet maintained funding, could the Minister tell me how many staff members have been transferred to relevant generic agencies to provide the services that are no longer provided by IDSC? What additional funding has now been made available to those generic agencies which now have an extra load that the IDSC has offloaded?

**The Hon. BARBARA WIESE:** I know that the Minister of Health is concerned about this area. As the honourable member has already acknowledged, measures taken late last year were designed to provide further support and relief in this area. As to future plans, I will seek a report from my colleague in another place and bring back a reply.

## LEGISLATIVE COUNCIL

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Minister of Local Government a question about her attitude towards the Legislative Council.

Leave granted.

**The Hon. L.H. DAVIS:** My attention was drawn to a letter to the editor of the *News*, from one R.L. Heinrich of Findon, which went on at some length quoting the attitude of the Minister of Local Government and former President of the Legislative Council, Anne Levy, towards the Legislative Council. He said that in a speech to the Gawler subbranch of the ALP, reported in the Gawler *Bunyip* of May 1981, Ms Levy said the Legislative Council was an unnecessary institution and should be abolished. Quoting directly from the Gawler *Bunyip*, which is a very worthwhile paper, as I am sure members well know—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. L.H. DAVIS:** I thought the Hon. Boyd Dawkins was still here, but he has left. The letter states:

> 'Unlike the House of Lords in England, which is a true house of review with limited powers, the Legislative Council can in fact amend and defeat proposals put forward by the democratically elected Government in the Lower House,' she said. 'There was nothing in the Constitution Act which gives the Legislative Council the role of a house of review.'

My questions to the Minister are as follows:

1. Did the Minister make those comments as has been widely reported—and I think it is no secret that on previous occasions the Minister has expressed views on the Legislative Council?

2. Does the Minister still maintain her view as expressed at that time that the Legislative Council is an unnecessary institution and should be abolished?

3. Does the Minister believe that the Legislative Council should not have the power to amend and defeat proposals put forward by the democratically elected Government in the Lower House?

**The Hon. ANNE LEVY:** I was unaware that the honourable member was a devotee of the Gawler *Bunyip* of nine years ago. I am sure the editor of the Gawler *Bunyip* would be flattered to know that such attention was paid to issues nine years old. In fact, perhaps with a little prompting, he would be prepared to give a lifetime subscription to the Hon. Mr Davis to the Gawler *Bunyip* so that he can keep his own files of the paper and use it extensively in many debates in this Council.

However, to return to the specific queries rather than their origin, I do not resile one iota from my statements regarding the Legislative Council. It is no secret to any member in this Chamber that the ALP policy is that at State level there should be a unicameral system in this country.

**The Hon. R.I. Lucas:** Does the Hon. Mr Sumner support that view too?

**The Hon. ANNE LEVY:** All members of the ALP support this view. This is not to say that while the Legislative Council exists it should not function properly. It seems to me that whether or not the Legislative Council functions adequately is a completely separate matter from whether or not it should exist. The two things should not be confused.

The reference to the House of Lords comes from the fact that the House of Lords is truly a house of review. It reviews legislation which comes to it from the House of Commons. It does not have the power to amend or defeat it. It can suggest amendments to the House of Commons which the House of Commons is at liberty to accept or reject. It likewise does not have the ability to defeat legislation; it can only delay it. The length of time it delays proclamation of legislation depends on the type of legislation, with a different time limit for financial matters as opposed to others. That is a true house of review.

I raise this point because many people in the other Chamber keep referring to this Chamber as a house of review. It is no such thing. It has powers virtually identical to those of the House of Assembly. Anyone who knows the Constitution is aware of this. Consequently, to call it a house of review is a misnomer. The House of Lords is a house of review; this Chamber is not a house of review. I am fre-

quently irritated when people call it a house of review when it is no such thing.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. ANNE LEVY:** There was an interjection to the effect that the House of Lords is not elected whereas this House is. I am really surprised that the Hon. Diana Laidlaw thought I did not know that piece of information. I have been well aware of that fact, and that this is a complete justification for the House of Lords being a house of review.

Whether the House of Lords persists as a house of review, has its functions altered, has an elected membership, or is abolished altogether is a matter for the British people to determine but in its current makeup it is a true house of review. This House is not a house of review, as it has powers virtually equal to those of the House of Assembly. I would hope that members opposite would agree that it is a misnomer, therefore, to call it a house of review. It is a statement of fact, not a value judgment of whether this Council should or should not be a house of review. It is a statement of fact that it is not a house of review. The value judgments are quite separate from the facts.

**The Hon. Diana Laidlaw:** You are repeating yourself.

**The PRESIDENT:** Order!

**The Hon. ANNE LEVY:** I have not spoken on this topic since 1981 when I spoke on the matter to the Gawler sub-branch of the ALP at its invitation. I have had this speech stored up in my memory ever since that time. The Hon. Mr Davis is obviously interested and sought further information and expansion on the brief report that appeared in the 1981 Gawler *Bunyip*. I have been happy to oblige him with my thoughts on this matter, which I am sure are endorsed by every member on this side of this Council and which form part of the policy of the Australian Labor Party.

## PERSONAL EXPLANATION: *ISLAND SEAWAY*

**The Hon. PETER DUNN:** I seek leave to make a personal explanation.

Leave granted.

**The Hon. PETER DUNN:** Yesterday during my question about the *Island Seaway*, I was well out to sea when the time for asking questions expired and I cast some aspersions on your generosity, Mr President. I withdraw those aspersions unreservedly and apologise.

## *ISLAND SEAWAY*

**The Hon. PETER DUNN:** I seek leave to make a brief explanation before asking the Attorney-General a question about the *Island Seaway*.

Leave granted.

**The PRESIDENT:** I draw the honourable member's attention to the time: he has three minutes.

**The Hon. PETER DUNN:** Yesterday, halfway across to Boston Island, for the second time, the *Island Seaway* returned very slowly because it was found that, would you believe, a sheet of galvanised iron was caught on the ship's other propellor. Whether the boat is made of galvanised iron and is falling to bits I am not too sure, but the Government appears to have bought itself a genuine lemon, so much so that there has been a lot of talk at Port Lincoln that the *Island Seaway* may not continue to service that area. With that in mind, I ask the Attorney-General the following questions:

1. How reliable is the *Island Seaway*? Would a large fish or a wad of seaweed stop its progress?

2. Has the Government any intention of withdrawing the *Island Seaway* from the Port Lincoln service?

3. Have the running costs of the *Island Seaway* increased, remained static or decreased since the refit at the end of last year?

**The Hon. C.J. SUMNER:** I will refer those questions to the appropriate Minister and bring back a reply.

## NATIONAL CRIME AUTHORITY

**The Hon. K.T. GRIFFIN:** Has the Attorney-General an answer to my questions of 13 February about the National Crime Authority?

**The Hon. C.J. SUMNER:** As to questions 1 and 2, I have formally referred these questions to the NCA for comment as a complete answer can only be given by Mr Faris. However, I have confirmed that as far as the Attorney-General, Mr Kym Kelly, CEO of the Attorney-General's Department, and the Police Commissioner are concerned there were no such discussions with Mr Faris. As to question 3, this has already been answered.

**The Hon. DIANA LAIDLAW:** Has the Attorney-General an answer to my question of 8 February about Operation Ark?

**The Hon. C.J. SUMNER:** The 1989 quarterly operational reports to the intergovernmental committee did not provide any information about the Operation Ark investigation or matters relating to Mr Sumner.

**The Hon. L.H. DAVIS:** Has the Attorney-General an answer to my questions of 8 February about Operation Ark?

**The Hon. C.J. SUMNER:** The replies are as follows:

1. Operation Ark was not discussed at the 1 August meeting.

2. The Government was officially advised of the earlier document on 21 December 1989. The Attorney-General had become aware that Operation Ark was the subject of discussion and review within the authority in July 1989. The Attorney-General was certainly aware of it by 19 July 1989 but there is a possibility that Mr LeGrand had advised Mr Kelly, the Chief Executive Officer of the Attorney-General's Department, that there was to be a review of the Operation Ark matter earlier in July.

## MARINELAND SELECT COMMITTEE

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

1. That a select committee of the Legislative Council be established to consider and report on—

*(a)* the extent and nature of the negotiations by the Government and West Beach Trust which led to a long lease of West Beach Trust land to Tribond Developments Pty Ltd, an agreement for the company to redevelop the Marineland complex and a Government guarantee to the financier of that company for the purposes of the redevelopment;

*(b)* the extent and nature of negotiations between the Government, West Beach Trust, the Chairman of West Beach Trust and Tribond Developments Pty Ltd (and such other persons as may be relevant) and the events and circumstances leading to the decision not to proceed with the development proposed by Tribond Developments Pty Ltd, the appointment of a receiver of Tribond Developments Pty Ltd, the payment of

'compensation' to various parties and the requirement to keep such circumstances confidential;

*(c)* all other matters and events relevant to the deterioration of the Marineland complex and to proposals and commitments for redevelopment,

with a view to determining the extent, if any, of public maladministration in these events and to recommending action to remedy any such maladministration.

2. That the select committee consist of five members and the quorum of members necessary to be present at all meetings of the committee be fixed at three.

3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

4. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The proposed terms of reference set the parameters for a full and open inquiry into the events surrounding proposals for redevelopment of Marineland at West Beach. The object is to bring to the public surface all of the activities behind the scenes relating to the decision, first made in 1986, to redevelop a run-down Marineland complex, through to and including the appointment of a receiver to Tribond Developments Pty Ltd. Until February 1989, the redevelopment appeared to have full Government support and backing. The support then collapsed.

The Liberal Party believes that the public has a right to see what is behind obnoxious confidentiality clauses required to be signed by certain parties under what appears to be duress or, at least, improper and unreasonable pressure and threats following a decision by the Government and/or the West Beach Trust to terminate the proposed redevelopment of Marineland. Is this a case of the Government, its officers and the West Beach Trust, which is subject to the general control and direction of the Minister of Local Government, bungling a major tourist attraction redevelopment? Is there evidence of autocracy and unacceptable practice? Is there evidence of public maladministration? While the issue of the welfare of the dolphins, seals and the sea lions is not directly referred to in the proposed terms of reference, undoubtedly their well-being hinges on getting to the bottom of what appears to be a debacle.

The objectives of the select committee are to obtain answers to the many questions, including why the Government and the West Beach Trust allowed and, in fact, encouraged Tribond to proceed with a major redevelopment approved in 1987 and then, without warning in 1989, cut it off completely, resulting in the appointment of a receiver for Tribond and the payment of substantial compensation and ongoing costs. Who actually made the decision to cancel the Marineland redevelopment project and why? When was that decision taken? Why should certain parties—the Abels, Tribond Developments Pty Ltd, McRae, Ellen, Elspan Pty Ltd and others—be required to sign heads of agreement with a clause requiring absolute confidentiality of the circumstances leading to the termination of the redevelopment?

What is there to hide? What were the circumstances surrounding the grant to Tribond Developments Pty Ltd of a 40-year lease and the redevelopment rights with a Government guarantee, and what sort of condition was the complex in at the time? Whose debts were paid by the Government in the final episode of Tribond's defeat, and how much taxpayers' money has been paid out? Undoubtedly, in the public exposure of all the circumstances surrounding the proposed redevelopment of Marineland, it will be necessary to explore the actions and decisions of the West Beach Trust and its Chairman, and its and his relationship with the Department of State Development and Technology, developers and prospective investors, as well as consultants. All events affecting the proposed redevelopment will have to be examined.

I now turn to the history of this matter. The Marineland redevelopment plan was first announced late in 1986. The Chairman of the West Beach Trust (Mr Geoff Virgo) in the *Advertiser* of 20 December 1986 hailed it as offering South Australia a facility 'virtually unequalled elsewhere in Australia'. On 14 January 1987 the trust entered into a 40-year agreement with the Melbourne based International Oceanaria Development Company to operate, upgrade and redevelop Marineland. The Abel family, which had a great deal of experience in managing marine parks in Australia and other countries (including Malaysia, Taiwan and New Zealand) were the principals of this company.

A wholly owned South Australian subsidiary, Tribond Developments Pty Ltd, was formed to undertake the Marineland redevelopment. Mr Rodney Abel was Chairman, his son Grant was Managing Director, and Grant's wife Margarete was Marketing and Productions Manager. At this time the Department of State Development and Technology recognised the management capability and experience of this company as 'the equal of any in the southern hemisphere and, possibly, worldwide'. The company planned a redevelopment of world standard at Marineland to include a new main aquatic pool, a wave cove for sea lions, an education centre and a new aquarium.

Vital to the arrangement was the continuation of the existing attractions at Marineland to provide a cash flow for the business. Almost immediately after they took over, the new operators experienced unforeseen difficulties. There were protracted negotiations with the West Beach Trust over the details of the lease, which delayed its signing until September 1987 and which consequently delayed the finalisation of financial arrangements. In a letter dated 14 January 1987, the day Tribond took over the operation of Marineland, the West Beach Trust gave the following assurance to the company:

> At the date hereof the lessor is not aware of any matters which would prevent the continuation of the business of Marineland which is presently conducted on the leased property.

The evidence, though, is that this did not truly represent the state of the Marineland facilities. In the few years before the Tribond takeover, the facilities had been allowed to deteriorate seriously, due to neglect and mismanagement. The Government must accept the direct responsibility for this and be called to account for it, because the West Beach Trust is subject, as I said earlier, to the general control and direction of the Minister of Local Government. It is outrageous that one of South Australia's most popular tourist attractions should have been run down like this. It is not the sign that this Government is really giving the highest priority to developing our tourist industry.

To understand the problems which face Tribond in its commitment and genuine desire to redevelop, it is important to appreciate the problems it encountered with the facilities when taken over in 1987.

1. The indoor dolphin and sea lion pools had serious rust damage.

2. The filtration system was inadequate.

3. The public, as well, was at risk because the fire exit facilities were inadequate.

4. There were major problems with the aquarium pool with rust damage and inadequate filtration.

5. Fish had to be destroyed because of disease.

6. The outdoor dolphin pool was found to be structurally unsound, with sections of the walls buckling to the point of giving way.

7. The outdoor sea lion pool had serious rust problems. The penguin pool lacked a proper cleaning and drainage system.

The deterioration of Marineland was a scandal in itself which this Government still has not faced up to. However, the Department of State Development and Technology has acknowledged that Tribond took swift action to deal with these problems at some considerable, additional, unexpected cost as soon as it took over. Most were problems which progressively came to light when Tribond had experts assess the existing structures after they took possession for insurance purposes and for purposes of redevelopment. The company restored proper standards of animal health and husbandry to Marineland as it confronted other problems with the rapid deterioration of the buildings.

In May 1988, Tribond received a report which identified a massive problem with asbestos in the Marineland buildings. The company received advice that its directors were exposed to very considerable risks. There can be no other conclusion but that this asbestos was originally installed illegally. Its existence was certainly not disclosed to Tribond before it took over. My colleagues in the House of Assembly wanted to ask the Minister of Local Government, in line with her responsibilities for the West Beach Trust, about this during the Estimates Committees but were prevented from doing so. Questions during the same Estimates Committees to the Minister of Lands about the appalling conditions at Marineland before the Abel family took over were avoided.

The serious problem with asbestos left Tribond with no option but to close down Marineland, and that occurred on 30 May 1988—a totally unexpected consequence for which Tribond and its directors can in no way be held responsible—and, obviously, this forced action denied Tribond its budgeted cash flow which was a necessary prerequisite to the redevelopment of Marineland. The statements constantly made by the Government—particularly by the Minister of State Development and Technology—alleging that Tribond was unable to fulfil its obligations in this redevelopment have made no allowance whatsoever for the facilities it inherited and the consequent cost of rehabilitation.

These facilities were run down to a state of complete and dangerous disrepair for which this Government is directly responsible. In retrospect, the premises should have been condemned and the Government's own neglect and failure to identify these problems before entering into an agreement with Tribond suggests a gross dereliction of its duty—remembering, of course, that it, through the West Beach Trust, had a responsibility for the complex and direct and continuing access to it. At first, the Minister of State Development and Technology, through his department, attempted to assist Tribond to get over these massive hurdles threatening the future of the project.

In June and July 1988 the company was given approval to redirect just over $300 000 of its Government guaranteed capital budget to pay operating costs. However, further pressures then imposed themselves on the project. On 29 July 1988 the Building Trades Federation imposed union bans on the project. It was, in fact, a mouthpiece for growing agitation within the Labor Party to stop dolphins being taken from South Australian waters. The Abel family had made it clear to the West Beach Trust, in negotiating its involvement in this project, before the arrangements between the Abel family and the Government had been concluded, that it would be viable only if additional dolphins could be brought into Marineland.

However, since 1985 this issue had been an emerging one within the Labor Party, and that has already been drawn to the attention of the Parliament in debates last year. However, because it plays a significant part in the decision by Tribond to abandon the Marineland redevelopment, it is important that I repeat the background, because it demonstrates the sorts of growing political pressures on the Government to take a blatant political decision to stop the Marineland redevelopment.

In 1985, the Victorian Government decided to ban the keeping of dolphins in captivity. This was followed by a Senate Select Committee recommendation to phase out oceanariums in Australia and to ban the taking of dolphins for holding in such facilities. In 1986 the issue was debated for the first time at the South Australian convention of the Labor Party, which supported the following motion:

> Convention supports the conclusion and recommendations of the report of the Senate Select Committee on Animal Welfare, Dolphins and Whales in Captivity. Convention calls upon the State Government to implement these recommendations and, as a first step, to move to ban the import or capture of cetacea in South Australia as soon as possible.

In 1987, this policy was hardened to direct the Government:

> To revoke all permits issued for the capture and importation of dolphins into South Australia and to initiate an urgent inquiry into the financial backers of the proposed Marineland developments and their appropriateness as managers of dolphins in captivity.

This slur upon the good name and reputation of the Abel family has already been rejected and I do so again. A *Sunday Mail* report of this convention debate of 30 August 1987 quoted the ALP State Secretary, Mr Cameron, as saying that dolphins in Marineland had been brutalised and starved as part of their training. Of course, this was not so in relation to the Abel family. This was the beginning of a deliberate campaign within the ALP to scuttle the Marineland project and wrongfully defame the Abel family.

This campaign quite deliberately overlooked the educational and research benefits of properly equipped oceanariums such as the one the Abel family intended to develop at Marineland. Undoubtedly, it was motivated by irrational arguments by extreme animal liberationists. Their campaign is senseless. There are oceanariums in Australia and around the world. They do no harm to dolphins and seals; they are educational and provide the only opportunity for most people to come into contact with these magnificent creatures.

In 1988 the ALP convention continued down the path of banning, and passed another motion effectively telling the Government to scrap the Marineland development in favour of another proposal at Victor Harbor. The union bans had been imposed in late July in the run up to this convention and there had been public speculation that the Bannon Government was facing embarrassment over the matter. An article in the *Australian* on 1 August 1988 reported that:

> The Bannon Government is facing a serious backlash from its own State ALP Branch over its backing of $9 million sea park redevelopment that, it is claimed, breaches Party policy on dolphins.

The *Australian* also reported:

> Four new motions on the issue, some directly condemning the Bannon Government's involvement in the development, are on the agenda for the 1988 State convention later this month.

It also reported:

> Previously, the non-factional issue has generated heated and emotional debates at the convention. Some sources believe the possibility of an attack on the Government may lead to a compromise motion in a bid to defuse the situation.

The motion subsequently passed was a compromise because it omitted specific criticism of the Government. One can believe that the deals had been done and the Government had already decided to cave in to the union bans. It only remained to ensure that the Abel family was seen as the scapegoat. The same day the story appeared in the *Austra-*

*lian* on 1 August, there was a meeting between representatives of the Department of State Development and Technology and Tribond. At the meeting, the department informed the company of its view that the project was no longer viable but, only the previous month, the Department of State Development and Technology had approved the use of capital funds for operational spending to keep the project going.

This, one should remember, was nearly two years after the Government's arrangement with Tribond for the redevelopment. Such a sudden about-face, after a period of encouragement and support raises important questions about the Government's motives. The change could have been ordered only by the Government; a Government frightened to tell its union and Party mates to back off and a Government electorally sensitive to a public brawl within a year—and possibly less—of a State election. The Minister of State Development was asked at his appearance before the House of Assembly committees whether he had taken any action to have the union bans lifted, to ensure that the project was not jeopardised. He replied:

> I am not aware of formal bans being placed on this project.

He also said, 'We—referring to the department—have not been aware of formal bans being in place.' The Chairman of the West Beach Trust, Mr Virgo, said the same thing during the local government Estimates Committee, before further questions were gagged. Obviously, there had been a well prepared and rehearsed response by the Government and the trust. The claim by the Minister of State Development that he was unaware of any formal union bans and that the department had not been told about them is patently false. Over a long period these bans have been the subject of considerable press and media coverage. For example, in the *News* of 19 August 1988, the Managing Director of Tribond, Mr Grant Abel, was quoted as saying that work on the project had stopped because of union bans. The report also said that, as a result, the project was in jeopardy. Three days before this newspaper report on 16 August, Tribond had written to the Department of State Development and Technology specifically requesting assistance to have the bans lifted. The relevant part of the letter is as follows:

> The third issue of significance relates to the current union bans, which apply to all development at Marineland. Those bans were imposed prior to the ALP State convention and, again, this is a matter which could well sway the decision of potential investors. We therefore seek your urgent assistance in the commencement of negotiations with the relevant union bodies, preferably at a ministerial level with a view to having these bans lifted.

At the Estimates Committee in 1989 the Minister said he had not seen this letter. Either he was not telling the truth or his officers were negligent in their duty. It is surprising that the letter sought ministerial involvement in getting the union problems sorted out, but the Minister says he did not get the request. It is even more disturbing when one considers that this is a Government guaranteed $9 million project and that the letter is telling a Government department that union bans are putting it in jeopardy.

At that time, the project and the union bans were the subject of wide and controversial public debate. It is difficult to believe the Minister's statement that he was not made aware of these union bans and their potential impact on the project but, whatever his state of knowledge, nothing was done by this Government to save the project and to protect the interests of taxpayers who guaranteed the funds.

The project was killed by pressure from within the Labor Party and by Government timidity in the face of that pressure. Not once did the Government speak out against opponents of the project and put the case for it and the need to take in additional dolphins to ensure its viability, yet it had approved the redevelopment in 1986-87 and a developer had been encouraged to proceed with the project, at considerable personal and financial cost. As Tribond also stated in its letter to the Department of State Development and Technology on 16 August 1988:

> We are disturbed that your department's assessment of the viability of the revised project appears to have been carried out in a hasty and cavalier manner, without due regard to all information provided, including Tribond's legal rights and obligations in respect to the project.

The facts are plain. The unspoken word had gone out from Cabinet in the middle of 1988 in the face of mounting opposition from unions and from within the ALP to the project. It had to be stopped. In December 1988, Tribond entered a share sale agreement with Zhen Yun in the hope that the project might still proceed. Under that agreement Zhen Yun would have assumed responsibility for the Marineland redevelopment and employed the Abel family to assist.

**The Hon. ANNE LEVY:** On a point of order, I think the honourable member is referring now to the lease between West Beach Trust and Zhen Yun, a matter that is *sub judice.*

**The Hon. K.T. GRIFFIN:** I am not talking about the lease. You ought to listen. I am talking about the share sale agreement. You should listen to what I am saying.

**The PRESIDENT:** Order! I must admit that I have not followed the matter sufficiently to pass judgment on it. If the Hon. Mr Griffin continues and the Minister still thinks there is a right to object because of the *sub judice* rule, I will recognise her right.

**The Hon. K.T. GRIFFIN:** Let me just repeat, Mr President, now that the Minister is listening: in December 1988 Tribond entered a share sale agreement with Zhen Yun in the hope that the project might still proceed under that agreement—no mention of a lease—Zhen Yun would have assumed responsibility for the Marineland redevelopment and employed the Abel family to assist in implementing it, and Zhen Yun proposed to provide substantial funds for the project. The agreement was made subject to a firm consent from the department. The Minister, however, rejected this in his statement to the Estimates Committee when he said:

> My advice is that we were never asked to approve a share sale agreement.

That is extraordinary, and we need to find out the truth. Someone is not coming clean. Is the Minister or his departmental officers covering up the truth? A letter dated 6 February 1989 from legal representatives of Zhen Yun to legal representatives for the the Abel family stated:

> We have been instructed by our client to indicate that the firm consent of the Department of State Development and Technology to our client's original proposal in relation to Tribond has not been forthcoming as required.
>
> Our client appreciates the time and effort put into the negotiations by your client but feels that, as matters stand, worthwhile negotiations can be progressed for the time being.

This letter conflicts completely with the Minister's statement to the Estimates Committee. The letter records the view of Zhen Yun that the department was required to approve the share sale agreement before the Marineland redevelopment could proceed. I am told that the money for the settlement was already in Adelaide and that everything was ready to proceed when the Minister gave his okay. That money, in Adelaide, would have been needed to buy out the shares in Tribond Development Pty Ltd and to pay outstanding creditors.

Whilst Zhen Yun was prepared to proceed with the project, however, it was the department's decision that it should not proceed. Discussions involving the Department of State

Development and Technology, the West Beach Trust, Zhen Yun and Tribond in late January and early February 1989, raised even further questions of propriety. In these discussions Tribond was given every reason to believe on 1 February that the project would be proceeding with the full support of the Department of State Development and Technology. However, two days later, on 3 February, Mr Lawrence Lee, a principal of Zhen Yun, told Tribond that the department now did not want the project to proceed because of continuing opposition from Greenpeace and the existence of union bans. At the time these discussions were taking place, the unions were making prominent public statements about their bans. The *Advertiser* of 24 January 1989 quoted the Vice-President of the Building Trades Federation, Mr Ben Carslake, as warning that it would stop all work on the Marineland site if attempts were made to break work bans. That same report quoted the Minister of State Development and Technology as saying that union objections to the proposal were premature.

One should remember that he is the same Minister who says that at relevant times he was unaware of union bans. The fact is that in early February 1989 the Government finally caved in to those bans, scrapped the project and scuttled the Abel family, hoping that the public would blame the family and not the Government. At his Estimates Committee hearing the Minister of State Development and Technology maintained that in early February it was Zhen Yun and not the Government that cancelled the Marineland redevelopment because it was not viable. He also claimed that he put no pressure on Zhen Yun to take this action and that it had nothing to do with the union bans.

From statements the Minister made to the Estimates Committee it would appear that the decision was reached in telephone discussions between him and Mr Lee of Zhen Yun. In answer to Opposition questions, the Minister admitted to the Estimates Committee that, before these discussions, Zhen Yun had given no written advice to the department that, in its view, the project was not viable. He said:

> I do not have any letter on file from Zhen Yun that specifically states we will not proceed with Marineland.

But, he also reluctantly admitted that in one of his discussions with Zhen Yun he had raised the public opposition to the project. But here is the crux of the matter, the final exposure of the truth. There is absolutely no doubt that the Government pressured Zhen Yun not to proceed with the Marineland redevelopment. The union bans were still in place and the Government would not confront them. Instead, there can be no doubt that the Government forced Tribond into receivership, despite all the company's attempts to keep South Australia's second most popular tourist attraction afloat.

The Minister's position is very vulnerable. In the House of Assembly the Minister was asked the following question on 12 April 1989:

> Will the Minister of State Development advise whether an officer of his department effectively blackmailed the investor in the West Beach redevelopment, Zhen Yun, by telling the investor the Government would not support the construction of a hotel on the Marineland site unless the plans to include a Marineland complex in the redevelopment were scrapped?

In his reply the Minister said:

> The Government did not blackmail Zhen Yun, nor did the Government put pressure on Zhen Yun to change its plan to delete an oceanarium from its proposal.

It is a serious allegation that improper and unreasonable pressure has been placed on any citizen by a Government or its officers, and this must be resolved by the select committee.

Another matter of equally grave importance relates to the so-called heads of agreement drawn up in February 1989 and finally stamped on 22 March 1989 by parties to the project. The parties who signed the agreement, which has been tabled in Parliament, received payouts of more than $400 000. I understand that there is another similar agreement with the Abel family, but we have not been able to get our hands on it. We understand that it is similar but cannot get confirmation of that. We also understand that a substantial sum of money is paid out in pursuance of that agreement.

The Minister of State Development and Technology told the Estimates Committee in 1989 that the agreement contained a standard commercial type clause relating to confidentiality, but that is just not so. In these circumstances such clauses are rare. They appear more directed towards imposing a gag on information about what has gone on. In the document already tabled in State Parliament clauses 4 and 5 are as follows:

> 4. Elspan, Ellen and PEE [that is Mr Peter Ellen] agree that all information contained in or in relation or connection to this heads of agreement (hereinafter called the 'confidential information'), shall be kept as confidential and shall not be disclosed by them or any of them to any person, firm, corporation or other body whatsoever and shall further ensure that the confidential information is not disclosed or distributed by them or any of their employees or agents in violation of the provisions hereof.
>
> 5. Elspan, Ellen and PEE hereby indemnify the Minister against any loss or damage of any kind which the Minister or the Crown, in the right of South Australia, or its servants or agents may suffer, sustain or incur as a result of any disclosure or distribution of any or all of the confidential information in violation of this heads of agreement.

In a deal which has cost the taxpayer at least $6 million and probably $8 million for nothing in return, the public is denied information. The select committee will override these clauses. Information can be obtained and put on the public record.

Clause 5 forces the parties to indemnify the Minister against any loss or damage of any kind which he or the Government may be caused as a result of a disclosure of the agreement and puts pressure of the most blatant kind on individuals to cover up what is a Government scandal or, at least, to keep their lips sealed. The Minister, I should say, is a signatory to these agreements. He obtained the signature of some of the other parties after they were marched into the Department of State Development and Technology on a Saturday afternoon in February 1989 and told that they must sign the agreement, or risk losing everything they had put into the project in time and money.

The parties disagreed in particular with the suggestion in the agreement that the project was no longer economically viable. They were given no chance to challenge this, or any choice for that matter. At one stage they were even told they would be denied the opportunity to take legal advice. Nor were they given a reasonable time to consider the consequences of what they were being pressured to sign. The way in which these agreements were required to be signed—the pressure, the haste, and the failure by the Government to allow basic rights to be exercised—raises matters of grave concern. No Government or Government officials should behave like this and, if they do, no Government or Government officials should be allowed to get away with it.

The select committee will have to take all the evidence on these matters, establish the truth and make recommendations. The events indicate a supreme arrogance, bullying, denial of rights and, above all, cover up. That cannot be allowed to go unchallenged. I should put on the record that the copy of the heads of agreement to which I have referred was not given to me or any of my colleagues by any of the

parties to that agreement, so those parties are not in breach of it.

The Minister has used these heads of agreement to continue to make public claims that the Abel family was unable to fulfil its obligations to the project. Of course, that was not so—they did not, as we understand it, fail to fulfil their obligations to the project. The heads of agreement could, in consequence of their clauses relating to confidentiality, be put into a category of being unprecedented. The Abel family and the other parties to the agreements have constantly been prevented from putting their side of the story. That is a denial of their rights which must cause concern to every fair-minded member of Parliament and citizen.

A select committee will get to the bottom of all this. I hope that the Minister will allow his officers to place before the select committee all relevant documents and papers and will allow them to give evidence fully and freely. There is nothing in this matter that should not be made public. Let the public decide for itself where the truth lies. It has a right to know how its money can be promised by way of a guarantee to support a development of merit but then squandered on payment of substantial compensation and costs for nothing in return. Justice must be done. While some would argue that court proceedings may give various parties a forum for justice and that some facts will emerge, it must be remembered that all legal proceedings are limited to the claims by the parties. Such proceedings will take time and cost money.

A wrongful dismissal case against the receiver will not bring out all of the history of the Government's involvement. A civil action against Zhen Yun will be limited. Only a full and open inquiry now, not constrained by the strict rules of evidence or the limitations of formal court pleadings or causes of action will result in the truth being known. I reiterate that the Marineland saga has a range of issues which should be canvassed, all relating to questions of public administration, including:

1. There is the taxpayers' money and the basis on which it was paid out either by way of compensation or in meeting the debts of various parties.
2. There is a confidentiality agreement.
3. The observations of the Auditor-General in his 1989 annual report about payments out under the guarantee and a coincidental appointment on precisely the same day, 13 February 1989, of a receiver to Tribond Developments Pty Ltd.
4. A planning dispute, now the subject of Supreme Court action.
5. Union bans.
6. Animal liberation threats.
7. Dolphins, seals, sea lions and their welfare.
8. Transcripts of telephone calls with various people which throw up conflicts between statements made publicly by the Minister and by the Government officials, and the record of debates in the Parliament.
9. There is the West Beach Trust, whose Chairman is accused of making decisions in isolation, not reporting to the board of the West Beach Trust and generally acting as though he were the trust rather than its Chairman, and there are complaints from past members of the trust as to its operation.

There are many other questions and issues. This select committee is not proposed to focus only on the West Beach Trust and its behaviour: that is not central to the issue. Undoubtedly, if there is anything wrong in the way in which the trust has been administered or has been involved in the current Marineland debacle the truth will come out. The focus is on public administration and whether or not in all the circumstances it has been proper and beyond reproach.

Before concluding, I want to make some comments about the dolphins, seals and sea lions. They have been caught in this dispute—they are the immediate victims. I have no doubt that the Abel family have done everything they possibly could to care for them and provide a proper healthy environment for them. They have been thwarted in that objective by the Government, the unions, and the animal liberationists. It is not proper to make this issue a term of investigation of this select committee. However, the issue of these animals will undoubtedly be touched upon by the issues of public administration.

Others have asked whether the select committee could prevent the dolphins, seals and sea lions being disposed of. My response is that the select committee is not a court of law. It does not have power to make orders or give directions. It can hear evidence and receive submissions. It can expose the issues and the facts. It is a matter for Government and its agencies but, ultimately, for the people of South Australia.

A proper, attractive Marineland complex with educational, hospital and research focuses would be the answer to all the current problems, provided the Government has the guts to take some hard decisions, take on the unions and show leadership. I commend to members the motion for the establishment of a select committee, for it to have its hearings in public and for it to comprise five members whom I would envisage to be two Government, two Opposition and a member of the Australian Democrats.

**The Hon. I. GILFILLAN:** I rise to support the motion for the appointment of a select committee. I do not intend to speak at any length on the actual issue about which these questions have arisen and resulted in the terms of reference. I indicate that I have had preliminary discussions with the Hon. Trevor Griffin and some others, and I recognise that briefings were offered to me by the Government on the issue which, under the circumstances, I did not take up. The circumstances primarily involved lack of time, but the fact of whether or not I had a briefing was relatively incidental to the concern that exists in the public mind.

I want to make plain that we do not come in with any set view of the culpability or otherwise of the Government in relation to the issue. I made plain to the Hon. Trevor Griffin that we wanted no part of a select committee which was designed for point scoring or for raking over coals of some alleged political scandal. It had to have a constructive aim and that is the basis upon which the Democrats approach support for this select committee and have accepted, with some consultation, that the current draft of the terms of reference is reasonable. The terms are non-emotive and should be able to allow a proper report to come forward from the select committee to give information on the issues that have been raised.

I repeat that, by supporting the establishment of a select committee, I clearly and emphatically do not align the Democrats with any particular prejudgment or political statement which has been made either in this place or outside by the shadow Attorney-General or any other mover from the Liberal Party for this select committee. We approach it because it is an issue of concern to the public and the Parliament and has had attention in the media. That justifies the setting up of the select committee.

The second area to which I would like to address a few comments is the number of members on the select committee. This is an issue of considerable interest, not just for this select committee but for others. Unfortunately, again,

I regret that we have not been able to discuss this issue more widely before this motion came before the Chamber. My colleague and I are convinced that the potential for the proper working of select committees needs to be developed as best it can by non-partisan, non-Party political aims voted on to select committees. It is our opinion that several select committees have been frustrated because of a numerical factor which has prevented the select committee from thoroughly investigating impartially the work that should be done by the select committee.

It is interesting that, before I spoke, I was approached by the Minister of Local Government with some concern about this matter. It is also rather interesting that it is on the same day as she responded to a question by the Hon. Legh Davis and made great play about how this place is not a house of review. I will not refer to her remarks as quoted in the Gawler *Bunyip* because I do not want to stoke up that discussion again. However, if we are to have an effective semblance of this place being a house of review, select committees above all other activities in this place should be able to be free from control by any particular Party or group in this Parliament.

That is why I think that in this case, where there is the already determined position of Government versus Opposition, it is appropriate that five members be used on this select committee. It is with that in mind that we support the five members and indicate that I, representing the Democrats, am prepared if nominated to be on the select committee if this motion is successful.

I do not think that five members need to become the set standard nor four nor six. I think we ought to be flexible. It is an area of flexibility which affects this Chamber. From a non-partisan point of view, we should look at the distribution of the work that can be involved if we have many select committees. To have six people, as we have traditionally had in the past, locked up into a series of select committees, is a waste of our resources. Quite often the contribution made by a particular Party on a select committee can be done by one or at most two people instead of having three people involved who have to attend all the meetings.

This is the first occasion on which the number of members has been an issue of discussion. I do not want it necessarily to be the only area where this is discussed. I am looking forward to having other discussions about the appropriate numbers in different circumstances from this debate today. I want to make plain that, in the circumstances of this select committee, we believe that it is a step forward in expediting the work of select committees from this Chamber by having five members nominated as the membership of the committee. The Democrats support the motion.

**The Hon. R.R. ROBERTS** secured the adjournment of the debate.

## HOMESURE INTEREST RELIEF BILL

**The Hon. L.H. DAVIS** obtained leave and introduced a Bill for an Act to provide relief to home-owners against high interest rates. Read a first time.

**The Hon. L.H. DAVIS:** I move:

*That this Bill be now read a second time.*

On 13 November 1989 Premier Bannon launched the ALP election policy. A key promise in this policy was the interest rate relief package for families known as Homesafe. Premier Bannon claimed the Homesafe scheme would provide a direct grant of $86 a month—$1 040 per annum—to 35 000 families who had purchased homes since the deregulation of housing loan interest rates on 2 April 1986. Mr Bannon at that time announced the scheme would cost $36 million in the first 12 months.

The Labor Party news release of that day, Monday 13 November, boasted a headline: 'Families: The big winners in ALP election policy'. So the Labor Party went into the election battle with the slogan: John Bannon: your future, your choice.

Just three months later let us look at the promise. First, the name has been changed. In its haste to cobble together a housing relief scheme to counter the thoroughly researched Liberal Party proposal, it did not check the name Homesafe. In fact, it was already registered as a business name so it could not use the name Homesafe; it became Homesure.

Secondly, and most importantly, the eligibility criteria of the Homesure scheme have been tightened and altered so dramatically that I confidently predict that fewer than 9 000 of the 35 000 families promised relief by Premier Bannon will now qualify for that relief. Homesure will not cost the Government $36 million in a full year. It will be lucky to cost more than $8 million or $9 million.

Thirdly, people who were sure they would qualify for Homesure before the election now discover that after the election they no longer qualify. I will elaborate on these points in a moment.

In summary, 13 November proved to be an unlucky day for voters who were gulled into voting for the Bannon Government on the basis of the housing interest relief package announced in the policy speech. Families relying on this unequivocal election promise certainly will not be the big winners. Instead of 'John Bannon: your future, your choice', a more appropriate slogan would surely be 'John Bannon: your promise, your con'.

Let me return to the beginning, that is, to the promise made which has been so blatantly broken. In the policy speech of 13 November 1989 Premier Bannon stated:

> Today I announce Homesafe, a companion scheme to our already successful Homestart scheme. From 1 January 1990 we will provide direct grants to those South Australian families most in need. Home-owners who are eligible and who purchased their homes after April 1986 when home loan interest rates were deregulated will receive $86 a month as a direct grant. The grant will be paid to families with a gross income of up to $55 000 a year. Eligibility will vary according to the number of dependants. It will directly help up to 35 000 South Australian families and will be in place while interest rates remain above 15 per cent. The scheme will be reviewed each year in the light of prevailing interest rates.

That was a direct quote from page 9 of John Bannon's policy speech on Monday 13 November 1989. Not only did his lips move as he made this promise: it is actually in black and white. Details of the Homesafe scheme were fleshed out in a supporting document entitled: 'Families of the future'. On pages 9 and 10 there is a detailed resume of the Homesafe scheme. The document states:

> The Homesafe scheme. The Bannon Government will introduce further relief for home buyers affected by high home loan interest rates. We will introduce a new scheme, Homesafe, which replaces and improves the benefits currently available under the existing interest rate protection schemes first introduced by the Bannon Government in 1986. The scheme, to be coordinated by the Office of Housing, is to commence on 1 January 1990 and will cease when home loan interest rates fall to below 15 per cent. The scheme is available to existing and future home buyers. Homesafe applies to the principal place of residence. Families will benefit by $86 a month ($1 040 a year) subject to certain eligibility criteria including:
>
> 1. They have purchased their first home after 2 April 1986 or they have purchased their home, other than their first home, after 2 April 1986 and are paying more than 30 per cent of household income in home loan repayments.

2. They have no other property which could be occupied and sold.
3. Original loans do not exceed $90 000.
4. The term of the loan is for a period of not less than 20 years.
5. They have a household income not greater than $40 040 with no dependants; $45 240 with one dependant; $47 840 with two dependants; $50 440 with three dependants; $53 040 with four dependants; or $55 640 with more than four dependants.

The grant will be paid quarterly to the registered owners or by agreement to the principal care giver of the family or directly to the lending institution. Families may be able to restructure existing loans to meet eligibility criteria subject to the approval of the Office of Housing. Homesafe is specifically targeted to assist families. Income eligibility starts at $40 040 per year and increases with the number of dependants. The threshold increases by $5 200 a year for the first dependent and $2 600 a year for other dependants. The maximum level of $55 640 applies to families with more than four dependants. Homesafe is expected to help 35 000 families at a cost of $18 million a year.

That is, in fact, for the first six months of the current financial year and $36 million in a full year. That detail was also confirmed in the press release which I have mentioned and which was associated with the policy launch.

It is worth remembering that on 12 November the Liberal Party policy had been announced. The highlight of that policy announced by the Liberal Leader, John Olsen, was an interest rate relief package offering $1 040 per annum for lower income earners who had bought houses after home loan interest rates were deregulated. The value of the package and the criteria for relief were virtually identical with those proposed by Premier Bannon the following day. In fact, when the Liberal housing initiative was first announced it was attacked by John Bannon. But a funny thing happened on the way to the podium: Premier Bannon, sensing the chill winds of political change, seized the Liberal housing policy and embraced it as his own. On the following day, Australian Democrat, the Hon. Mike Elliott, summed it up as well as anyone, and in the *News* of 14 November he was quoted as saying:

Labor's cash handouts idea was a panic response to the Liberal's relief plans. It had probably been hastily reworked after the Liberal's show on Sunday.

The only thing I would object to with respect to the Hon. Mr Elliott's statement is that he should have omitted the word 'probably'. It certainly was cobbled together as a result of the Liberal initiative, which had been released with the policy statement just 24 hours before John Bannon launched his Homesafe scheme.

What are the facts relating to housing loan interest rates in South Australia? Since April 1986, when the cap was taken off housing interest rates—that is, they were deregulated—approximately 90 000 housing loans have been made to home buyers in South Australia and the average loan is about $48 500. I understand that approximately 40 000 of the 90 000 housing loans that have been taken out since April 1986 have been to first home buyers.

The Liberal Party scheme, as announced at election time, was designed to assist families with a gross annual income of under $45 000 and it was calculated that it would assist about 30 000 families. Unlike the Labor package, I have had access to the working papers used by the Liberal Party at the time and that scheme was worked on for many weeks. The Hon. Robert Lucas and the shadow Minister of Housing at the time were two of those closely involved in that initiative. It was calculated that the scheme would benefit about 30 000 families, and the $1 040 per annum benefit would have been equivalent to a 2 per cent reduction in the current housing loan interest rate. In other words, the $1 040 cash benefit would effectively reduce the interest rate from 17 per cent, which is the current rate, down to 15 per cent. The scheme was to apply for 1990 unless the housing interest rate fell below 15 per cent. That was the Liberal initiative, which was stolen unashamedly by the Labor Government. I have already described in detail the Labor scheme that aped—

*The Hon. R.R. Roberts interjecting:*

**The Hon. L.H. DAVIS:** I do not think the Hon. Ron Roberts will be screaming too hard when I tell him how many people at Port Pirie undoubtedly will be disqualified as a result of John Bannon's breaking an election promise. I have already described in detail the Labor scheme—

*Members interjecting:*

**The Hon. L.H. DAVIS:** It is all very well for the Hon. Ron Roberts, who might have a house, but I can assure the Council that it is not so much fun for those who are struggling. I have already described in detail the Labor scheme that aped the Liberal proposal in such a blatant fashion. The key ingredient of the Labor election promise on housing interest rates was that any family who purchased their first home after 2 April 1986 was eligible, subject, of course, to conditions regarding the family income and the size of the mortgage. However, the latest Homesure brochure varied that critical provision. It is fascinating to see that in the earlier advertisements for Homesure the Government actually did stick to its original promise—and I give credit where credit is due. On 2 January 1990, in the *Advertiser*, an advertisement appeared for Homesure, which stated:

You may be eligible for assistance if you purchased your first home after 2 April 1986.

That was one option. The second option was:

. . . you purchased your home, other than your first home, after 2 April 1986 and are paying more than 30 per cent of household income in home loan repayments.

There was an invitation to clip out a coupon and send it off to Homesure or ring the Homesure hotline. That was giving effect to the promises that had been made six or seven weeks earlier, during the election campaign. That was an advertisement in black and white, which gave effect to the words used by John Bannon in his election speech and which undoubtedly induced many people to continue to support the Labor Government, particularly in the marginal mortgage belt seats of Adelaide, Newland, Todd, Hayward, Fisher, and so on.

Let us look at what happened on 6 January 1990, because a funny thing happened on the way to the printer. This time the Homesure advertisement had changed the criteria that had been set down in the election policy speech, in the supporting documents for the election policy, in the advertisement published in January in the *Advertiser* and in the early material relating to Homesure. The *Advertiser* advertisement of 6 January indicated that a family may be eligible for assistance if a home was purchased after 2 April 1986 and they were paying more than 30 per cent of gross household income in home loan repayments. Honourable members can see the difference and the difference is critical, as I will explain in due course. Instead of offering Homesure to all 40 000 families who had bought their first home in the period since 2 April 1986, subject to family income and loan limits, the Government was saying that Homesure was available only to first home buyers who were paying more than 30 per cent of their gross income in home loan repayments. However, the Bannon election promise had stated that only families purchasing their home, other than their first home, after 2 April 1986 should pay more than 30 per cent of household income in home loan repayments.

*Members interjecting:*

**The ACTING PRESIDENT (Hon. G. Weatherill):** Order! There is too much comment across the floor.

**The Hon. L.H. DAVIS:** I am glad you noticed that, Mr Acting President. This 30 per cent cut off level is critical for one very good and simple reason: financial institutions in South Australia lending money for housing understandably set down criteria for housing loans. It may be of interest to the Minister of Local Government, who apparently has a special interest in this subject, that the State Bank itself sets down housing loan criteria which generally limit home loan repayments to no more than 25 per cent of gross income in the case of a single income earning family and no more than 30 per cent in the case where there are two or more people contributing to the gross household income.

So, by the very definition of this new scheme the Bannon Government has defined many people out of the Homesure scheme. Let me just add to the point I am making. I spoke to a major financial institution in South Australia and asked it to examine the home loans which it had approved in recent times. It examined the home loans approved in November and December of 1989 and January of 1990, and several hundred loans were involved. It took a sample of 25 per cent of those home loans and discovered that no more than 10 per cent of those required the families to pay more than 30 per cent of their gross household income.

In other words, only 10 per cent of the people with the loans approved by this major financial institution were eligible for Homesure, and these, of course, were people who, before the Homesure scheme was altered, would have been eligible for it as a matter of course—subject to the other eligibility requirements. On my calculations—and I am supported in this observation by my discussions with many people in key positions in financial institutions in Adelaide—75 per cent of people who were eligible under the original Homesure scheme have now been disqualified because the criterion has been changed. That is the most blatant political scam I have seen. It is the biggest political scam of the decade—no question about that.

I spoke to another bank manager who specialises in housing loans and he had approved 30 home loans over the past twelve months. In no more than 10 per cent of cases would the applicants have been paying more than 30 per cent of their household income in home loan repayments. The evidence is there. As I have said, the State Bank of South Australia, which is by far the largest lender of housing finance in South Australia, has that criterion itself: in general cases, no more than 25 per cent for single income earners and no more than 30 per cent where more than one of the family is earning an income.

Those are the facts. They are beyond dispute, yet the Bannon Government, in a cold-blooded and calculating fashion, has deliberately chosen to vary the terms of its Homesure scheme. Mr Bannon has not only broken an election promise but has effectively disqualified 75 per cent of families who qualified for housing interest relief under the terms of the Homesure scheme announced during the 1989 State election. Mr Bannon has misled the public of South Australia. If he made a promise like that in an advertisement in the private sector, he could face prosecution under the Misrepresentation Act. The Department of Public and Consumer Affairs has taken action against people for misrepresentation far less blatant and affecting far fewer people.

Of course, we now see people ringing up members of Parliament having discovered that they have been disqualified from the Homesure scheme which they supported at the last election. John Bannon has changed his mind. He has chickened out. He has broken a promise. I find it quite extraordinary and absolutely disgraceful. He has not only broken that fundamental promise that anyone after 2 April 1986 would be eligible for housing rate interest relief subject to the size of the loan, and subject to their family income, but he has also introduced a sliding scale.

No longer does one receive $86 a month with no questions asked, but one now receives an amount which is on a sliding scale, which means that as interest rates fall the housing relief one receives will also fall. I have no objection to the principle that is now covered in the Homesure scheme where, obviously, as interest rates fall the household outgoings are less so the relief from the scheme should be less, but the fact is that he misled the people of South Australia.

He made no mention of the fact that there was a sliding scale of relief at the time he introduced his Homesure scheme. Again, it goes to show how hastily it was cobbled together. It underlines how easily promises are broken by this Bannon Government. Let me give a specific example of someone who is earning an average income in South Australia and the impact this change will have.

I have looked at the average wage for a male earner. I have assumed a family with only one income earner, the male, who at the moment would be receiving an average wage of about $560 per week or $29 120 per annum. If he has a mortgage of $48 500 on the family home over a 20 year period, he would be paying 29.3 per cent of his household income in mortgage repayments. In other words, the average wage earner in South Australia would not qualify for the Homesure scheme as amended by John Bannon. Of course, we have seen exactly how many people are qualifying for this Homesure scheme in the admission by the Minister of Housing and Construction (Hon Kym Mayes) in another place only last Thursday, when he admitted that so far only 300 people have qualified for the Homesure scheme; yet at the time of the election Premier Bannon claimed that 35 000 families would benefit.

Less than 1 per cent of families so far have benefited, less than 1 per cent of the promised total. So far, 300 families have qualified for housing interest rate relief under the Homesure scheme.

The fact is that most people have avoided the various options available through financial institutions to overcome high interest rates. Most people have avoided low start and variable repayment loans, home equity loans, mortgage offset accounts and fixed rate loans. Most people have adopted the conventional approach of borrowing at the going market rate and taking one's luck in the marketplace, accepting that if interest rates go up one has to pay more over a period of time and that if they go down one will pay less.

The sad fact is that over the period since 1986, when interest rates were deregulated (at which time the rate was 13.5 per cent), they have gone up steadily, through 15.5 per cent in February 1989 to 16 per cent in March 1989, and then the rate was increased to 17 per cent in June 1989. I do not expect that there will be any early relief from these high housing interest rates, and I suspect that many people will continue to haemorrhage financially from the extraordinary pressure which is being placed on them as a result of these extraordinarily high interest rates.

What the Liberal Party has done in Opposition is what any good, constructive Opposition Party would do, that is, to keep the Government of the day honest. What better example is there for us to begin with than the Homesure scheme?

In this Bill, which has been introduced today, we have simply given the Government an opportunity to honour its election promise. Can the Government really vote against its own election promise? This will be an extraordinary test for it. I am encouraged that the Australian Democrats have publicly expressed concern about the Government's failure

to honour its election promise, and I hope that they will give favourable consideration to the passage of this legislation.

However, if this Government does not honour this election promise by giving legislative effect to it through the passage of this Bill, which has been introduced today, the Government is saying to the people of South Australia, 'Do not take any notice of what we promise, because we do not really mean it.' Honest John Bannon, of course, will have to relinquish that title, because it was the Premier himself who made Homesure the jewel in his election policy crown; it was John Bannon himself who said that the scheme would benefit 36 000 families. It must be John Bannon himself, as the recently re-elected Premier of South Australia, who has made the decision to cut at least 75 per cent of families who otherwise would have been eligible for this relief out of the relief scheme, which many of them voted for, believing they would qualify for it; and it is John Bannon himself who must ultimately wear the opprobrium of the people of South Australia for this disgraceful political scam.

It is the worst political scam of the decade; it is shameful; it is scurrilous; it is unforgivable; and I believe that Government members in this Chamber, if they have any guts, gumption and integrity can do only one thing, namely, support this legislation. Finally, because this is a matter of such pressing urgency, and as more and more people ring into electoral offices discovering that they have been conned by their Premier, his Cabinet and his Party, I ask this Council to give speedy passage to this legislation. It is a simple piece of legislation, which merely mirrors the election promise made on 13 November, which proved to be an unlucky day, I suspect, for as many as 27 000 families in South Australia.

**The Hon. R.R. ROBERTS** secured the adjournment of the debate.

## FREEDOM OF INFORMATION BILL

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

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

*That this Bill be now read a second time.*

In doing so, I give some indication that, when I read the paper just prior to the sitting, I had the feeling when I read the headline that at last we would achieve freedom of information through a Government-sponsored Bill. I felt some joy that I would not have to reintroduce a Bill for the fifth or sixth time—I am not sure which. On reading this article, which reported to be the beginning of the Government's commitment to FOI, it became clear to me that it would be necessary to introduce a Bill that would give genuine freedom of information. Perhaps I should just go through the few points that led me to feel that it was necessary to repeat this exercise. The article stated:

> It is likely the Government's FOI plans will require State public servants to provide limited access to documents involved in Government decision—making and also permit individuals to amend personal records held by various Government departments, including the police, if factual errors can be demonstrated.

I do not know what the word 'limited' means to members in this Chamber, but it means to me that there will be restrictions on the information that can be acquired. The article went on to say:

> It is expected that limitations will be placed on the amount of information individuals, including members of Parliament, can seek.

How on earth can you have freedom of information if you have a limitation on the amount of information to which you can have access? I then read on, and felt sad that this Party opposite, which has been in Government for some time in this State—and one would have to admit that, in the 1970s, it had a reforming zeal and was prepared to go ahead with issues and take them up on behalf of the people—said:

> It is understood that the Government has deliberately delayed the introduction of FOI until similar schemes have been introduced interstate.

No longer is South Australia the leader, but it is the very distance follower of reform. The article continues:

> Problems with FOI legislation have been experienced elsewhere, including unexpected costs and an increased workload for public servants.

What on earth does the Government think FOI is all about? Of course there will be an increased work load; that is part of the scheme, but the end result will be that at last we will be able to have access to Government.

I do not intend to go through all the issues of the Bill that I have introduced five times. Every member here has heard this speech at least three times, and some people have heard it four or five times. However, perhaps I could give some indication of the need for freedom of information in relation to the present Government and indicate how delighted I am that, even though it appears it believes in limitations they will not be part of the Bill I am introducing, and will not, I hope, be part of a Bill accepted by both Houses of this Parliament. Nevertheless, this is a letter of 11 September 1989, addressed to a member of the Parliamentary Library staff as a result of a request by my colleague sitting alongside me, the Hon. Mr Stefani.

Mr Stefani developed an interest in sewerage in that period, and that is understandable. He developed a deep and meaningful interest in sewerage. Mr Stefani wanted, for reasons best known to himself, to make some deep and meaningful inquiries into the disposal of sewage in this State. This is what he did. He wrote and asked for access to some E&WS Department files. He later decided that he did not want to look at the information, again for reasons best known to himself. The librarian said, 'Even though you asked that the request be withdrawn, I received a telephone call from an officer of the E&WS, stating that the department still wished to reply.' In other words, they were not going to withdraw their reply even though the Hon. Mr Stefani no longer required the information.

The Hon. Susan Lenehan, the Minister of Water Resources, wrote the following letter (I will not indicate the name of the member of the Parliamentary Library staff to whom it is addressed):

> I refer to your request on behalf of Mr J. Stefani, MLC, to view certain Engineering and Water Supply Department files. The files you have nominated are prepared and intended for internal use of the officers of the department. They are not public documents. Consequently, I am not prepared to make the files available to you. If Mr Stefani has any particular concerns associated with the operations of the State's water supply or sewerage system and cares to write to me with them, I will only be too pleased to have his concerns investigated.

Here we have an example of a member of the Parliament making an innocent request to see some files of the E&WS Department, in order to see just what was happening within the sewerage system, but the request was refused. Mr Stefani was worried about the problem of sludge in Port Adelaide, and the sludge going out to sea. He wanted to see whether any information was available to show why that material

was still being put into the Gulf. But, no, not Madam Minister: she was not going to allow that.

It turned out that one of the files which we managed to obtain related to the salt infiltration investigation in the catchment area of the Port Adelaide Sewage Treatment Works. We have always been told that rehabilitation would be terribly expensive and that nothing could be done about it. It turned out that the conclusion reached was that rehabilitation of the sewers investigated in this infiltration study had been shown to be a cost-effective strategy. That is what the Minister was trying to hide: that this program, which was being undertaken on a very limited scale only, would be cost-effective because there would be less material having to be handled by the Port Adelaide Sewage Treatment Works.

That is one of the many reasons, I have no doubt, why that document has not been released. That is a very minor, but nevertheless very important, issue as far as the Government of this State is concerned, and it is the reason for freedom of information. It is the reason why people, whether it be members of Parliament or the public, should be able to look at what files and information Government has, because I do not believe that we are always told the truth in Parliament in answer either to questions or queries. I do not accept that a Minister—

**The Hon. Anne Levy:** That's a reflection.

**The Hon. M.B. CAMERON:** No, it's not a reflection. Perhaps members want to know what the truth is. It does not mean that a person tells untruths: it means, Mr President, that we are not given all the information. Therefore, we accept the conclusion that is reached, because we have no other information to show that it is untrue in the total summary. We are not given the full information.

It could well be that the Ministers themselves are misled and do not know about it because they do not have the resources to check back on the information. It may well be of great assistance to Ministers of the Government to have people, like Opposition members or even their own members, going into these departments and having a good look at the information that is contained there. Quite often Governments get into trouble because they themselves have not been able to get access to all the information. The only people in any system who have a problem with freedom of information are those who have done something wrong. If you have not done anything wrong, you do not have to worry. The people who object most are those who have been incompetent or who try to hide things. I look suspiciously upon those who oppose freedom of information because I believe that many of them have matters that they are hiding in the back blocks of Government files. There is nothing more precious to democracy than to ensure that people are able to find out what Government is and should be doing. Has some information been given—

**The Hon. Anne Levy:** This is a *'Bunyip'* speech, yes.

**The Hon. M.B. CAMERON:** Not exactly. I suggest that the Minister of Local Government is one of those people who should listen very carefully to this speech about freedom of information, because I have heard her say in this place, 'I have a report; it is in my safe and you are not going to get it.' I find that sort of attitude totally unacceptable. I suggest to the Minister that perhaps she should sit back and listen very carefully to what is being said, because that sort of information should have been made public and the people rather than some body of Government should decide whether they have been properly consulted.

**The Hon. Anne Levy:** I have never said I had it in a safe; I haven't got a safe.

**The PRESIDENT:** Order!

**The Hon. M.B. CAMERON:** I suggest that the Minister look back through *Hansard* and she will find those words. I actually repeated them for her in debate. One of the things I have is a reasonable memory of what people have said and there is absolutely no doubt she said it.

**The Hon. Anne Levy:** The onus is on you to prove I said it.

**The Hon. M.B. CAMERON:** I will—don't worry; I'll give it to you.

**The PRESIDENT:** Order! There is enough exchange across the Chamber.

**The Hon. M.B. CAMERON:** Just sit back and listen, because it is very important to you as a new Minister.

**The PRESIDENT:** Order! The Hon. Mr Cameron will come to order.

**The Hon. M.B. CAMERON:** At this stage you haven't been a Minister very long and have probably not made many mistakes. We are helping you make sure you don't have any problems in the future and we are making sure also that we know everything you do. The only real mistake you have made so far relates to Mitcham.

In relation to Victoria's Freedom of Information Act an article entitled 'Freedom of Information in Principle and Practice: The Victorian Experience', which is published in the *Australian Journal of Public Administration* in December 1988, states:

> [It] is now five years old. Looking back over this period, it can fairly be said that the practice of freedom of information in Victoria has neither borne out the dire predictions of its critics nor fulfilled the optimistic expectations of its proponents. Public administration has not been handicapped or overloaded in the way many suggested it would be... Genuine problems have emerged with its administration, yet the advantages it has presented both to the general public and to public administration have been clear and unequivocal... it has lit the pathway to more responsible and more participatory government [in Victoria].

I think that that sums up very well the potential benefits to South Australia of similar legislation. The article continues:

> The benefits which have accrued from freedom of information legislation for processes of public administration have been considerable. For example, agencies report consistently that a more liberal attitude towards the disclosure of government documentation prevails than that which existed before the legislation was enacted... increasingly, documents are being released without resort to time consuming freedom of information procedures.

When one has freedom of information, the bureaucracy finally realises that eventually the information will become public, whether that is done voluntarily or whether it is requested. It is far easier for departments and for everybody concerned if the information is available.

The article goes on to indicate that the costs are not as great as expected. Information is becoming more freely available, because the systems are being developed to ensure that is the case. One of the problems we have in Government is a system of collation of information and that is one of the reasons why it costs so much and why the Sir Humphreys of the system have been able to say, 'It will be too expensive' and then give their estimates of the costs based on existing systems. However, it is not until the systems and availability of systems change that the cost factor becomes less. The article continues:

> Contrary to popular mythology, politicians and journalists constitute only a small minority of the total number of applicants.

The assumption is that we, the politicians, will use the system almost totally and that the average citizen will not use it. That is simply not the case. The article continues:

> It follows from what has already been said that the Freedom of Information Act has acted as a powerful spur towards drawing Government to account for its actions and decisions... Perhaps more importantly, however, the Government has been concerned

about the potential disclosure of documents it regards as being Cabinet documents.

That is one of the great arguments that has been waged in Victoria since FOI was introduced. I think that matter has to some extent at last been settled by the courts. I hope that such a course of action will not be necessary in South Australia. New South Wales now has freedom of information, as has Tasmania and the Commonwealth, but in South Australia, which has always claimed to be the reforming State, our Government has failed to give us that same base of change.

When the FOI Bill was introduced at Federal level (as I think I indicated in a previous speech in this place), Senator Evans, although not a member of the Liberal Party, was one of the chief proponents for ensuring that FOI was as strong as possible. On 8 April 1981, he said:

> Good freedom of information legislation ... must satisfy a number of characteristics. For a start, it must ensure that a maximum amount of publicity is made available as to what kind of information will actually be available ... good freedom of information legislation is that which would set a minimum of procedural obstacles by way of delay or complexity or cost, and afford the maximum of practical assistance to those who are pressing requests for access to information. Again, such legislation would contain an absolute minimum of exceptions and exemptions.

That is exactly what this legislation that I have introduced does. It also must provide review and appeal against initially adverse decisions. He went on to say:

> The essence of democratic government lies in the ability of people to make choices: about who shall govern; or about which policies they support or reject. Such choices cannot be properly made unless adequate information is available. It cannot be accepted that it is the Government itself which should determine what level of information is to be regarded as adequate.

Those are good words indeed and totally contrary to the spirit of the letter which I read from the Minister of Water Resources in answer to a very simple inquiry from my colleague, the Hon. Mr Stefani, and which indicates a need for change.

On the previous occasion I indicated that the Fitzgerald report in Queensland took some trouble to go through the need for information to be available to Oppositions, to the Parliament and to the people. A paragraph on freedom of information I think perhaps again sums up the need for such a measure. He is a man who I am sure most members would hold in high repute. He said:

> The importance of the legislation lies in the principle it espouses, and in its ability to provide information to the public and to Parliament. It has already been used effectively for this purpose in other Parliaments. Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and enemies.

I do not intend to go on at great length about FOI. It has been the subject of debate on several occasions over several years. It was first raised in this place in 1978 and it was the subject of a report in 1979. I know that members opposite would say that in Government we did not act as promptly as we should. As a member of the Government at that time I accept criticism on that score, but since 1982 another report has been done and I thought that the Government of that time was genuinely in favour of FOI legislation. We were given a promise of a Bill.

**The Hon. T.G. Roberts:** It's on the Notice Paper.

**The Hon. M.B. CAMERON:** I have just read out a little bit of that and what that will do. I would like not to have been put in the position of having to introduce the legislation, because I believed that the Government was prepared to go ahead with it, but it has not until now. Suddenly Government members have had a rush of blood to the head, and they are saying, 'We will do it, with limitations.' The word 'limitations' goes right through the article.

I will look with interest at the legislation when it is introduced, but I suspect that it will not contain genuine FOI principles. If it does not, I hope that the Council will support this Bill, which is based entirely on the report of the Attorney-General in 1984. I am the author of no part of it. It is based on the principles laid down in the report, so there is no reason why the Government cannot accept the Bill and go ahead with it. It should have been done before, and it is a nonsense for the Government to say now that it is the proponent of this legislation. I accept that at last Government members are a little bit committed, but by the time the Bill goes through both Houses (as I believe it will) they will be at last committed to freedom of information, something which should have been provided for a long time ago and something to which the people of this State and the people of any democracy should be entitled as a matter of right, not as a matter of legislation.

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

## SELECT COMMITTEE ON CHILD PROTECTION POLICIES, PRACTICES AND PROCEDURES

**The Hon. D.V. LAIDLAW:** I move:

1. A select committee of the Legislative Council be established to consider and report on child protection policies, practices and procedures in South Australia, with particular reference to—
   - *(a)* provisions for mandatory notification of suspected abuse;
   - *(b)* assessment procedures and services;
   - *(c)* practices and procedures for interviewing alleged victims;
   - *(d)* the recording and presentation of evidence of children and the availability and effectiveness of child support systems;
   - *(e)* treatment and counselling programs for victims, offenders and non-offending parents;
   - *(f)* programs and practices to reunite the child victim within their natural family environment;
   - *(g)* policies, practices and procedures applied by the Department of Family and Community Services in implementing guardianship and control orders;
   - *(h)* such other matters as may be incidental to the above.
2. Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. This Council permits the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.
4. That the evidence taken by the Select Committee on Child Protection Policies, Practices and Procedures, appointed on 12 April 1989, be referred to the Committee.

In November 1988 I moved a motion in very similar form to establish a select committee of the Council to consider and report on child protection policies, practices and procedures in South Australia, and the members of the Council agreed to that motion in April last year. A select committee was established, which heard a considerable amount of evidence from the then Department for Community Welfare, the Police Department Sexual Assault Referral Unit, Children's Interest Bureau, Children's Services Office and a number of other Government offices that have some interest in this important field of child protection. The select committee was forced to cease its hearings when Parliament was prorogued in October last year for the general election. Therefore I move that a select committee with the same terms of reference be re-established.

I gave notice yesterday that the select committee be established in the same form as it had been established previously. However, I have sought to change the composition of the committee from six members to five. I understand that, under the Standing Orders of the Parliament, it is not necessary, if the committee is to be established with five members, to nominate that number in the motion. There-

fore, I have sought to exclude those words. Standing Order 389, provides that the Chairman shall have a casting vote only. I have sought to ensure that the chairperson of the committee has a deliberative vote only, so that, if there were five members and a vote of 3:1, the chairperson would not be precluded from participating in the committee. Without maintaining that reference to a deliberative vote only, the chairperson may feel that he or she were not participating in the committee, unless there were a tied vote on some matter.

**The Hon. CAROLYN PICKLES** secured the adjournment of the debate.

## ROXBY DOWNS (INDENTURE RATIFICATION) ACT AMENDMENT BILL

**The Hon. I. GILFILLAN** obtained leave and introduced a Bill for an act to amend the Roxby Downs (Indenture Ratification) Act 1982. Read a first time.

## CONSTITUTION ACT AMENDMENT BILL

**The Hon. I. GILFILLAN** obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

## NELSON MANDELA

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

That this Council rejoices in the release of Nelson Mandela and hopes that with the promise of further electoral reforms it will soon make it possible for South Africa to join the ranks of civilised parliamentary democracies.

In particular, we hope that the South African Parliament, whose walls carry the matching half of our building's Westminster crest, can rejoin the Commonwealth Parliamentary Association as a genuinely democratic institution able to take a lead in the political development of Africa.

As all members would have now noticed, the press has carried a significant feature on the history of South African politics with the release of Nelson Mandela from prison. He had been locked up for 27 years for daring to challenge the dictatorial authority that had been vested in the minority Government in South Africa. The pressure that was placed on South Africa to allow for the release of Mandela was unrelenting. A number of organisations internationally have developed in applying pressure on South Africa through trade sanctions and through solidarity in trade union organisations with the banning of certain sections of trade. I pay tribute to those organisations, both here in Australia and internationally, that have not let up the pressure in trying to bring about reforms in South Africa while enabling the democratic processes within South Africa to be fostered through the growth of a political movement within its black communities.

South Africa's population currently stands at some 24 million to 25 million, of which about 4.5 million are white and about 19 million are black. The black people of South Africa have never been able to express their democratic wishes through the minority elected Government, elected only by whites, although many people who have been following the political events in South Africa would rejoice at the freeing of Nelson Mandela. Although going some way to redressing some of the imbalance towards one individual, there really needs to be further reforms in South Africa to indicate to me as an individual and others around the world and in Australia that South Africa is indeed genuine in its endeavours to reform the whole of the political process to allow the majority blacks to participate in a democracy that allows one vote one value.

We are certainly a long way from that, as the South African Government has shown by its activities in unleashing its police forces on those people who were celebrating the release of Nelson Mandela. This is pretty clear from the vindictiveness that was shown by the police on those unarmed, peaceful crowds that were gathering to celebrate his release. We saw those graphic pictures relayed to the international community with police clubbing women and children in the streets. I suggest that it will be a long time before South Africa is able to humanise a lot of those elements that have been set up in a dictatorial way to maintain peace in a country that has had an inhuman application of a political system for so long.

With the release of Nelson Mandela and talks through the black representatives and the ANC, we hope that there will be a peaceful transition and that the dismantling of the petty apartheid, as so described, is not the only reform that is made and that reforms that are made in South Africa are real and lasting and allow for the participation of black people in the future development of the South African nation. Part of the history of South Africa does not illustrate to me that the small number of whites that actually wield the power are prepared to hand over that power immediately, and there appears to be a reluctance to develop those meaningful relationships that are required to set up a Government based on what we would understand as a full participatory government representing the interests of all peoples.

**The Hon. R.J. Ritson:** Don't you think the world should give De Klerk a bit of a go and see what he does?

**The Hon. T.G. ROBERTS:** I think the world is giving De Klerk the benefit of the doubt at the moment because at least they are prepared to look at the release of one very important black leader, and De Klerk himself will be under extreme pressure from conservative elements within the Afrikaner speaking white population not to make any further concessions to the black majority or even to sections of the white community that want to see reforms brought in.

Out of the 4.5 million white population, there are about 2.8 million Afrikaners and about 1.7 million people of British decent. It is mainly those 1.7 million people of British decent (who, after the Boer War, joined forces with the Boers to suppress the black majority) who are now saying that reforms need to be applied. There will be some pressures from a section of that 2.8 million Afrikaners to hold back any real reforms in the democratic processes, and I guess there will be a certain amount of internal politicking that will go on inside particularly the Afrikaner population in holding back that spread of liberalism.

A survey done I think in 1985 suggested that about 20 per cent of the Afrikaner population had sympathy with the broadening of the democratic processes, but it is the very important and powerful Broederbond connection within the Afrikaner speaking nation within South Africa that are able to hold back any of the progressive reforms that are generally put forward by past leaders of the white population, and it is the Broederbond that has basically held the power within the political section of the white population, holding sway over the police, the army and the armed forces.

It is that dictatorial section within the Afrikaner speaking population that has been able to suppress any of the liberalised views that have emerged out of what is generally regarded as the small 'l' liberal section of the white popu-

lation. This is what one would have to call a fascist element of the white population, because they are publicly seen carrying Swastikas and carrying flags with the Swastika on them and are quite public and open about their political position and they want to hold on to that minority power. They are the people that need to be convinced that suppression of enthusiasm and the peaceful clamour for reforms is at an end. Although they are a small minority in the South African community, they are a very powerful, vocal and violent section of the community who are prepared to use violence to maintain the position of power that they hold now.

All of us will be watching the developments in South Africa with great interest, and I commend the motion to the Council with the inherent sentiments that are expressed. It is a genuine call for South Africa to make the reforms that are required to allow it to participate in the Commonwealth Parliamentary Association and to rejoin those nations that have a broad based democracy that allows everybody to participate.

With regard to the other half of the crest, we have the lion on the front of our Parliament and they have the other half of the crest which is a unicorn. Hopefully, perhaps when South Africa does mature into a broad based democracy, allowing for electoral reform that allows the black population to participate in the formation of Governments in a meaningful way, the lion and the unicorn might be joined together either in South Australia or in South Africa.

**The Hon. Diana Laidlaw:** What is the history behind the crest, do you know?

**The Hon. T.G. ROBERTS:** I am not quite sure how it was separated, but that is the case. I commend the motion to the Council.

**The Hon. I. GILFILLAN:** I rise enthusiastically to support the motion and I do so also on behalf of my colleague, Mike Elliott. The Democrats have been opposed for a long time to the regime of apartheid and are supporters of Nelson Mandela's stand on the issue in South Africa. We have also supported the implementation and retention of sanctions. We believe that they have been, and still are, an effective means for speeding up the process of change towards freedom, democracy and the elimination of racism in South Africa.

Geographically, it is a remote situation from us and for that reason probably many Australians have tended to feel detached from it. However, there has been a long and clearly portrayed history of brutality in this horrendous situation which has existed there and which has impacted on many Australians so that the awareness has been growing.

In supporting the motion, I specifically congratulate the Hon. Terry Roberts for moving it and wording it in the way he has. I also congratulate him on his very thoughtful and substantial speech in moving his motion. It reflects a caring response to the situation and a profound knowledge of the forces that are at play in the issue. Congratulations, Terry!

It is an exciting event to see the release of Nelson Mandela after 27 years of imprisonment and the enormous implications that have been put on the release by the media, by the people of South Africa and by the world at large. What an enormous burden that person will have to carry as a consequence of this incredible focus. I believe that those of us here in this Chamber should pray for his capacity to handle this enormous responsibility. All of us, I am sure, are sympathetic to the incredible challenge that he and others in the ANC have with President De Klerk who I would commend for making this decision at the time and in behaving, I believe, admirably and bravely under the circumstances.

Before concluding my remarks, I emphasise perhaps the most important reflection I would like to make: it is not just the release of Nelson Mandela; it is the terms and nature of his imprisonment which has been the shining light to oppressed people throughout the world. It is a wonderful example to many people worldwide of a courageous, non-compromising leader who is leading not with a thirst for power but with a thirst for freedom and emancipation of his people from oppression.

It is important, upon the cataclysmic change, as Nelson Mandela walked out of prison, to reflect that the real strength of the significance of his release was the wonderful dignity and strength of his imprisonment. It is his imprisonment that has built up the capacity for the enormous potential of his release. It is that self-sacrifice, courage and steadfastness to refuse release under many of the conditional forms that he could have had earlier which has heightened the quality and integrity of this man in the world's eyes and the significance of the release.

We are very pleased to support the motion as moved by the Hon. Terry Roberts and we hope, pray and believe that this is the opening of the door towards moves to dismantle apartheid. This relates not only to the dismantling of apartheid but to the removal of racism, and that will take a much longer time than just abolishing legislation. It is ingrained and will take many stages to eventually remove from South Africa the totally abhorrent aspects of racism. It is not only confined to South Africa. Let it be said again and again: no country in this world is guiltless as regards racism, and we ought in humility to recognise that. Let us hope and pray that this exciting and brilliant event will be the harbinger of a new dawn for South Africa as a great nation and one that, as Terry Roberts says, we can embrace back into our family.

**The Hon. R.I. LUCAS** secured the adjournment of the debate.

## GROUNDWATER CONTAMINATION

**The Hon. M.J. ELLIOTT:** I move:

That this Council urges the Government to instigate a full public inquiry into groundwater contamination in the South-East, and that all information held by Government departments in relation to groundwater contamination be made available to the public.

What we do not know at the moment is how serious the problem is in the South-East. We do know that there is one, and that is unquestioned. At this stage it is a question of whether or not it is environmentally dangerous, whether it is dangerous healthwise and whether it has any implications for agriculture, in terms of stock, etc.

But, as I said, we do know that we have a problem. I was aware of several reports done by the E&WS Department and CSIRO, which concentrated primarily on nitrates, *E.coli* and on waste from old cheese factories—that is, historic contamination. Those particular reports also make it clear that the level of knowledge is still relatively poor, in that nowhere near enough bore holes have been drilled to be able accurately to map the distribution of concentration of nitrates, *E.coli* and substances that were measured.

Nitrate levels in some areas are significantly above World Health Organisation standards and are of such a level that they are recommended not to be used for human consumption. The good news is that, at this stage, the major towns are not drawing their supply from sources that are heavily

contaminated in that way. The bad news is that individual farmers may, indeed, be doing so. I have reason to believe that not necessarily all residents who are using those bores know exactly what is the quality of their water. For instance, I know that my sister and her family, who live in the South-East, had their water tested because of discolouration which was caused by the presence of iron. The testing process picked up nitrates and other substances and, indeed, my sister and her family were advised not to give the water to young children or pregnant women. That occurred only because they had the testing done, and that seems to be the wrong way around: people should be forewarned about whether or not there are problems with their water supply.

That aside, that information is already known, although, as I have suggested, even knowledge on those matters is incomplete. My increased interest in the problems that might exist in the South-East followed reading I had done on problems experienced in the United Kingdom, large areas of which are reliant on underground water, similar to the situation in the South-East. That country is experiencing serious contamination problems, some of which are similar to those experienced in the South-East, and in this respect I refer to nitrates. However, they have other problems as well as some things as simple as petroleum products which leak out of minor cracks in underground storages.

Obviously, we have that sort of problem in the South-East. There is a potential steady release of a number of substances and, although they are relatively minor releases, cumulatively they are of great concern. Of course, there are also the possible concerns related to industry. At that stage, I had a legitimate general concern. On 4 April last year I came into this Parliament and asked a couple of questions of a very general nature. I was simply inquiring about what testing had been done so far and what had been found, and I asked that any information collected be released publicly. I have never received a reply to those questions, and that is certainly disturbing in itself.

I set about, in what I believed to be a responsible manner, raising what is a potentially serious problem, asking questions and finding that they were not being addressed. The fact that I asked the questions was reported in the South-East and as a consequence of that some people came to me with information; they gave me proof positive of arsenic contamination in a bore and also of copper chrome arsenate contamination in relation to several timber mills. I raised those matters and was accused immediately of scare-mongering. That was not a very constructive response to what was, from my point of view, a constructive line of questioning.

The issue continued to grow with further reports in the media, particularly in the South-East. Eventually, the E&WS Department decided to run a phone-in, which went for only one day, in business hours between 9 a.m. and 5 p.m. I was critical of the phone-in at that time, first, because of its length and, secondly, because I felt there were a number of problems. Since the phone-in was not a public phone-in (because the information did not become public), how would any one individual know whether or not something of which they had knowledge had been reported? We need to recognise that there are people with knowledge who are reluctant to give it. For instance, if one works in a factory one does not want to lose one's job. If one knew that that factory had been carrying out practices that might have involved contamination, one would be reluctant to report it because one's job might be at risk. Therefore, one sits on that information and hopes that it is reported by someone else. People in the South-East do not know precisely what reports were submitted. Even if they had information, they had no way of knowing exactly how it was handled.

With the election closing in, the Minister set up a citizens' liaison group. Before I criticise the functioning of the group, I want to make clear, here and now, that no criticism I make is of the members of the liaison group itself. That group never had a chance of succeeding in a broader sense and really was not an answer to the overall problem. First, it had narrow terms of reference: it looked only at matters that were reported to the phone-in. Therefore, a matter that did not go to the phone-in could not be investigated. This committee had no resources of its own, which limited its power to investigate in any detail. It was totally dependent upon the E&WS Department and the Waste Management Commission and their advice. I think it is worth noting that the role of those bodies also should have been in question and that that group should have been probing exactly how they had functioned over recent time. Yet, they were the chief advisers: it was they who decided how to present material to the committee. The phone-in material was already collated, broken up into groups and presented as 'serious', 'moderate' and 'no worries at all', and the committee took the group's word for it. I am not suggesting that the committee should not trust but, if the E&WS Department had made mistakes in the past, I am sure it would not like to admit it to the committee and have the committee put that in some sort of report.

Despite the complexity of the matters involved, this group had only four business meetings—a total of about nine hours—to look at a number of quite complex reports. It did not, on any occasion, visit any of the sights of contamination. I noticed in a letter in the *Border Watch* yesterday that the chairman of the committee suggested that if one goes to look one does not see anything. I disagree with him because I went to some of those sites and one can see something. One can see the sorts of practices that are being carried out; one can see the copper chrome arsenate solution dripping from the logs, running across the concrete pad, on to bare earth and out onto the paddocks. I saw that with my own eyes, and anyone who understands copper chrome arsenate would have appreciated seeing what was happening there. In fact, in a number of cases an on-site inspection would have been very useful, but it was simply not carried out. Any information given to the committee was confidential. In fact, information provided at each meeting was picked up at the end so that the members of the committee could not take it home.

I believe that these people did not have sufficient expertise—that is not their fault, they simply did not have it—and they did not have the advantage of then being able to seek expertise other than that of the E&WS and Waste Management Commission officers who were made available. I simply believe that that is not the way to go. The public had a right to have that information made available to it, and I believe that the public could have made a significant contribution to the way in which the thing worked.

I found it particularly interesting that three days after the phone-in occurred there was a major spill of copper chrome arsenate in the South-East—600 litres of concentrate went down a well. The Citizens' Liaison Committee was never told about that spill. It was set up only to examine the phone-in, after all. It was really kept in the dark about anything else that happened.

This particular site did have contamination. In fact, one paper that managed to find its way out of the committee finds that the Woods and Forests Department in Mount Gambier had CCA disposed of in a sink hole, creosote disposed of on site, glue wash waste disposed of on site and

boiler waste water (including sulphuric acid) went to storm water. These sorts of things were confirmed in relation to the Woods and Forests Department, but there were many other things about which the committee was never told. It is quite appalling.

The people on the committee were not given a chance to get any of the background. Why were they not told, for instance, that there had been correspondence between workers at the mill and various Government departments since 1976? I have the originals of the correspondence which went backwards and forwards, with people writing to Ministers pointing out that they were worried that copper chrome arsenate was going into the wells. The response was, 'It's not very much—don't worry about it.'

This has been going on for some time. People were not told that copper chrome arsenate treated timber was burnt in the boilers at the Woods and Forests Department mill; this was done for several years in the mid 1980s with the agreement of both the Waste Management Commission and the Department of Environment and Planning, and it was done on the edge of a town. We are told never to burn copper chrome arsenate treated timber in a barbecue, yet in the boilers next to Mount Gambier all the waste CCA treated timber was being burnt.

One of the responses by the Department of Environment and Planning was that not a lot would go up the chimney; it was a high chimney and it would be fairly well dispersed; and, besides, most of it stays in the ash. It begs the question, 'Where does the ash go?' The Woods and Forests Department had a dump where the ash went. There was no evidence of that being reported in the phone-in. Whether the E&WS Department knows about it or not, God only knows.

I have had so much information given to me that has not found its way in here. The Minister's immediate response is, 'Why don't you give it to the department?' The department has had the job of looking after this for the past X number of years—quite a few. Quite frankly, I do not have a great deal of confidence at this stage, and I do not believe that the people in the South-East will have a great deal of confidence, either. The public has a right to know: it is the public's drinking water, the water it washes in, the water its stock drinks from and the water which is irrigated onto crops.

Think about the implications there, too, in the longer term if we are trying to export, besides the health risks for Australians. Of course, some of that water eventually wells up into the environment through springs into lakes, waterways, etc. It is quite an horrendous thing. The public has a right to know, and this is one of the reasons why the Democrats will be once again supporting freedom of information legislation.

Regardless of all the excuses Governments may want to put up about the need to keep certain information confidential, I cannot see any grounds whatsoever for the public not having a right to know what is happening with its water. That is an absolute right for the public.

The next question is what sort of inquiry should be involved. It must not be one that is operated by people with a vested interest of one sort or another, whether simply a bureaucratic vested interest or some other. I ask the Government seriously to consider getting an outside expert to head such an inquiry. The Government could get such an expert, I believe, from one of the universities, or, perhaps, from a place such as the CSIRO. I do not think that this investigation would necessarily run for more than a couple of months. It should be quite an intensive one.

If it runs as a full public inquiry and people have confidence in it, anyone with information will bring it forward. It will be handled and, following a series of recommendations, it can be handed back to either the E&WS Department or the Waste Management Commission. Hopefully, they will have some new guidelines as a result of the inquiry. I stop short of pushing for a select committee; I should like to give the Government a chance to get it right itself first.

It may argue that it has been trying to do things in everyone's best interests, but I have had too much information come to me to suggest that, whatever the motivation, things are not being done properly at the moment and that a full public inquiry is necessary so that we know just how big a problem we have. It should not be a problem for the Government: the fact that the Government has handled it the way that it has means that it has become a Government problem rather than a public problem.

That is one of the problems with closed Government. So, I hope that all members of the Council will support this motion. It is a sensible one. It means that the issues will be resolved, and the people in the South-East, hopefully, will sleep easily at night.

**The Hon. CAROLYN PICKLES** secured the adjournment of the debate.

## RETIREMENT VILLAGES ACT AMENDMENT BILL

**The Hon. ANNE LEVY (Minister of Local Government)** obtained leave and introduced a Bill for an Act to amend the Retirement Villages Act 1987. Read a first time.

**The Hon. ANNE LEVY:** I move:

*That this Bill be now read a second time.*

As the Bill is the same as that introduced in the previous Parliament, 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 make a number of amendments to the Retirement Villages Act 1987.

As a result of consumer concern being expressed in respect of some aspects of the retirement village industry in August 1988, the Justice and Consumer Affairs Committee resolved on 26 September 1988 to establish a task force. The terms of reference of the task force were limited to consideration of the introduction of a Code of Practice, statutory implied terms for residence contracts and the inclusion of a statutory warning in residence contracts. The task force was to report back to the Justice and Consumer Affairs Committee within six months of establishment.

To ensure a proper balance between all parties involved in the retirement village industry, the task force was chaired by the Commissioner for the Ageing, and was comprised of three other Government officials and four non-government people. The other government officials were comprised of the Commissioner for Public and Consumer Affairs, a representative of the Commissioner for Corporate Affairs and a representative of the Crown Law Department. The South Australian Council for the Ageing (SACOTA) nominated a resident from a 'church' administered village and another resident from a commercially administered village. The retirement village operators were represented by a representative from the Voluntary Care Association and a representative from the Cooperative Retirement Services Pty Ltd. The composition of the task force was announced on 28 November 1988.

The task force considered the draft Codes of Practice developed by Western Australia and New South Wales. These draft Codes of Practice covered disclosure information, contract documents, village management and dispute resolution. As the latter two items are matters presently covered by the Retirement Villages Act 1987, the task force decided to focus on adequate disclosure of information to prospective residents.

The task force sought to develop a draft Code of Practice, based on the Western Australian and New South Wales drafts, requiring disclosure of specified information in a formal disclosure document.

However, the draft Codes of Practice developed by Western Australia and New South Wales in essence contained little more than a number of philosophical statements which were virtually unenforceable.

Consequently, the task force prepared only one document, a disclosure statement, to be completed by all retirement village administrators and given to all prospective residents prior to the execution of a residence contract. The form of the document would be set out in the Retirement Villages Regulations as Form 6.

The Form 6 is a disclosure statement only and essentially warns the prospective resident, prior to signing a contract, about various provisions in the contract such as:

*(a)* the services they will receive for the money they pay to the administering authority;

*(b)* the circumstances in which they will receive a refund and the amount of the refund; and

*(c)* the nature of their tenure in the retirement village.

In order to give effect to the Form 6 the Retirement Villages Act 1987 would need to be amended, *inter alia*, to:

*(a)* deem the information provided by the administering authority in the completed Form 6 to be part of the contract and further, in the event of any inconsistencies between the contract and the Form 6, the information provided in the Form 6 is to prevail and override the inconsistent provisions of the contract; and

*(b)* prohibit the administering authority and its agents from providing any promotional or sales material, whether in written or oral form, to a prospective resident that is inconsistent with the information contained in the completed Form 6.

The Government has decided that section 3 of the Retirement Villages Act 1987, the definition of 'the Commission', should be deleted as the administration of the Retirement Villages Act 1987 is to be taken on by the Department for Public and Consumer Affairs.

The disclosure statement such as Form 6 will not satisfy many of the complaints that are found in this industry. The development of Form 6 is the Government's second stage in dealing with retirement villages, the first being the passage of the Retirement Villages Act 1987. A third stage will involve a very careful analysis of processes within the industry and will focus on providing better protection for residents and prospective residents of retirement villages. The third stage is the subject of a study presently being conducted by the Commissioner for the Ageing and the Commissioner for Consumer Affairs. In the course of this study the Commissioners will consult with interested parties and any submissions that members of the community may wish regarding amendments to the Retirement Villages Act 1987 will be considered by the Government.

On 28 March 1989 the Justice and Consumer Affairs Committee approved the Form 6. The Form 6 was released for public comment until 30 June 1989 with all public comments to be directed to the Commissioner for the Ageing.

As a result of the public comments received by the Commissioner for the Ageing, a few minor amendments were made to the Form 6.

On 28 August 1989 the Justice and Consumer Affairs Committee considered the redrafted Form 6 and recommended that the Form 6 and the necessary legislative amendments be urgently implemented.

The Justice and Consumer Affairs Committee also approved the issue of extending the cooling-off period from 10 business days to 15 business days recommended by the Commissioner for the Ageing, in response to consumer submissions on this point. The extension of the cooling-off period is a fundamental change to the Retirement Villages Act 1989. It has not been exposed for public comment. The Form 6 released for public comment referred to the 10 business days cooling-off period presently prescribed by section 6 (4) of the Retirement Villages Act 1987.

The present provisions of section 9 of the Retirement Villages Act 1987 seek to ensure that residents who are entitled to be repaid their premium, either in whole or in part, under the terms of their contract, will have a legally enforceable charge against the retirement village property, with the exception of units owned by other residents.

However, there is some legal opinion to the effect that the present provisions of subsection 9 (6) do not empower the Supreme Court with sufficient power to enforce the charge over any previously registered charges on a certificate of title. In order to overcome the possibility of this view being upheld in the Supreme Court it will be necessary to amend section 9 of the Retirement Villages Act 1987 in order to give full effect to Parliament's intention that the charge in favour of residents should rank before any first registered mortgages. Accordingly, the Government proposes to amend subsection 9 (6) to specifically state that the charge could be treated as if it was a first registered mortgage. This amendment will also need to be retrospective to 30 June 1987.

The Retirement Villages Act Amendment Bill 1989 will also amend subsection 6 (1) of the Retirement Villages Act 1987 to make it an offence for a contract not to be in writing. This will compel all residence contracts to be in writing. It is proposed that the penalty be $20 000. This amendment is considered necessary as some administering authorities are not entering into written contracts with their residents.

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on a day to be fixed by proclamation, other than the amendment to section 9 of the principal Act (clause 7) which is to be taken to have come into operation on 30 June 1987.

Clause 3 inserts into the principal Act a definition of the Commissioner for Consumer Affairs.

Clause 4 enacts a new section 5. Section 5 presently provides that the Corporate Affairs Commission is responsible for the administration of the Act. It is proposed to transfer this responsibility to the Commissioner for Consumer Affairs.

Clause 5 proposes various amendments to section 6 of the principal Act. Subsections (2) and (3) are to be revised and amalgamated. In particular, an administering authority will be required to give a prospective resident a statement in the prescribed form setting out information relating to the proposed residence contract and the rights that the person would have as a resident of the particular retirement village. A residence contract will, on the signing of the

contract, be taken to include a warranty on the part of the administering authority of the correctness of information contained in the statement, and the warranty will prevail over any inconsistent contractual term. It will be an offence for the administering authority (or an employee or agent of the administering authority) to make a representation to a resident that is inconsistent with information contained in the statement, or to include in the statement information that is inconsistent with representations made by the administering authority (or an employee or agent of the administering authority).

Furthermore, it is proposed to change the 'cooling-off' period under the legislation from 10 days to 15 days. Finally, new subsection (6) will provide that any breach of section by the administering authority will be an offence.

Clause 6 is consequential on the proposal to transfer the responsibility for the administration of the Act to the Commissioner for Consumer Affairs.

Clause 7 amends section 9 to clarify that a charge under section 9 will rank in priority before any other mortgage, charge or encumbrance over the relevant land.

Clauses 8 and 9 are consequential on the proposal to transfer the responsibility for the administration of the Act to the Commissioner for Consumer Affairs.

Clause 10 includes an amendment to section 22 of the principal Act to facilitate the introduction of evidence to prove that a person who has commenced proceedings for an offence against the Act has been duly authorised to do so by the Commissioner.

Clause 11 includes an amendment to section 23 of the principal Act so that the regulations will be able to prescribe the kind and size of print to be used in a residence contract or other document used under the Act.

Clause 12 and the schedule provide for a revision of the penalties that apply under the principal Act.

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

[*Sitting suspended from 5.45 to 7.45 p.m.*]

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 13 February. Page 60.)

**The Hon. R.I. LUCAS (Leader of the Opposition):** I support the motion and thank His Excellency the Governor for his speech to open the session. At the outset, I wish to congratulate all 11 members in this Chamber who were re-elected at the most recent State election. It must be one of the few occasions, if not the only occasion, that the composition of the Legislative Council has remained exactly the same, with no change in either major Party or in the representation from the Australian Democrats. I also offer my congratulations to those members of the House of Assembly who were elected, in particular, to the new members on both sides of the House of Assembly, who were elected for the first time to represent their House of Assembly electoral districts. Whilst in the congratulatory mode, I offer my congratulations—perhaps somewhat grudgingly, but nevertheless as generously as I can, from the Opposition benches—to the Bannon Government and Premier Bannon in particular, for the victory at the recent State election. I congratulate those Ministers who have been elected by their own mechanism within the Labor Party to represent that party on the front benches.

At the outset of my Address in Reply contribution, on behalf of the Liberal Party, I want to offer to the Attorney-General as the Leader of the Government in this Chamber, and to you, Mr President, the spirit of cooperation from the Liberal Party, in what we hope will be the smooth operation of the proceedings of the Legislative Council. I believe that, with good spirit on all sides—the two major Parties and one minor Party—we can make the operation of the Legislative Council as smooth and harmonious as possible in a Parliamentary Chamber.

*The Hon. M.S. Feleppa interjecting:*

**The Hon. R.I. LUCAS:** It is on the public record, Mr Feleppa. That is not to say that there will not be tough and at times vigorous questioning of Government Ministers and the Bannon Government by the Liberal Party and, I believe, also by the Australian Democrats in this Chamber. That is not to say that there will not be tough and at times vigorous disagreement between the Liberal Party and the Australian Labor Party or the Government in the Legislative Council. However, in relation to the smooth operation of this Chamber, to make life easier for you, Mr President, and for your staff, I would hope, at the outset of this four year Parliamentary term—if we are to go that long—that we can work harmoniously and cooperatively together as best we can.

There needs to be some reassessment of where we are as members of Parliament and politicians. There is no doubt—and this is not a recent phenomenon—that our image as politicians is somewhat tarnished, and we all must accept collective responsibility for that.

**The Hon. M.J. Elliott:** Speak for yourself.

**The Hon. R.I. LUCAS:** I am being generous, Mr Elliott. My fear is that we here in the Legislative Council, which is an important part, we would argue, of the bicameral system in South Australia, have suffered a little more than politicians in general. Again, we have to accept collective responsibility for that.

I do not intend to point the bone, but there is a hangover from days gone by about the image of a member of the Legislative Council. I believe that that is changing on all sides of the Chamber, but the media and perhaps some of the opinion makers in the community have not yet caught up with the new face of the Legislative Council and, perhaps, of the new faces of the Legislative Councillors. It is up to us to do our best collectively to try to correct in a slow and evolving fashion—these things will not happen overnight—that image of the Legislative Council and Legislative Councillors. In doing so, we have to stand up for the institution and traditions of the Legislative Council, including the separateness of the two Houses of Parliament in South Australia. In particular, we should consider openly and cooperatively as best we can a strengthening of the operations of the Legislative Council.

I want to use the Address in Reply contribution as a potpourri of grievances to raise a variety of issues, because in the Legislative Council we do not have the opportunity to speak openly and freely on a range of issues as often as we might like. As a number of members and I have said in the past, there is a need for the members of the Legislative Council to have an opportunity for some form of grievance or adjournment debate provided in our Standing Orders.

*The Hon. Peter Dunn interjecting:*

**The Hon. R.I. LUCAS:** The point raised by the Hon. Mr Dunn is a good example. On one occasion I felt disposed to raise an important question of end rusting (rust-proofing) of motor vehicles—not just my Volkswagen but rust-proofing in general. If a member of Parliament wants to find an opportunity to debate, or put a point of view on, a particular

issue, it is very difficult to do so within the Standing Orders of the Legislative Council.

**The Hon. Anne Levy:** That never worried you.

**The Hon. R.I. LUCAS:** We did manage to get around that, as the honourable member indicates, but it was a vexed question at the time and we have established a precedent within Standing Orders which has been productive to members.

The members of the Legislative Council have the opportunity of the Address in Reply. Within reason, we have the opportunity to speak about some matters through the Supply and the Appropriation Bill debate as long as we can make them appropriate and relevant to the Bill before us. On occasion, many of us have taken liberties with Question Time to provide a longer explanation than perhaps we might otherwise have done if we had had another opportunity, such as a grievance debate, to put a view on an issue, and then wrap it up all together with a question to a Minister.

When debating some Bills some members have stretched friendships with Presidents of the day to raise a particular issue because, again, it was the only opportunity an honourable member may have had to put a point of view on a particular subject.

A grievance or adjournment debate need not be very long—perhaps five or 10 minutes at the most. Victorian *Hansard* seems to indicate that they each have two minutes to put a point of view at the end of each day and half a dozen seem to have a burst, so they have perhaps a total of 12 minutes in which to put their points of view on behalf of their constituents in the Legislative Council debate. That is one small example which perhaps we could look at and there would be many others.

The only other area I want again to address this evening is one that would be familiar to you, Mr President, and to others who have heard me address on a number of occasions over seven years in this place and that relates to the need for a much stronger committee system in the Legislative Council. I have expressed a personal view (as all of us will have to do on these sorts of issues) on the question of committees and standing committees of the Legislative Council.

Even though we have only a small number of members (22) and are therefore more restricted in what we might be able to do in relation to a standing committee system of the Legislative Council, I believe there is an opportunity for members of the Legislative Council to be effective in this area. I do not believe we will ever be able to get to the stage of the comprehensive standing committee systems of the Federal Senate, or perhaps the standing committee systems of the Senate in the United States of America. Nevertheless, the view I had and still hold is that we should be strengthening the committee systems and taking even small steps towards the establishment of standing committee systems in the Legislative Council.

I have a strong view that we should not be adding to the number of joint standing committees of Parliament—committees with which we share membership with another place. Obviously, we already have a number and the traditions are such that I do not advocate the overturning of those longstanding traditions, which seem to work relatively well according to those members who have served on them. However, I do not believe that we should continue to blur the distinctions and the separateness of the Houses in South Australia by adding to the joint standing committee systems of the Parliament and that in our own Chamber we should look to standing committees of the Legislative Council.

For some years now my own Party's policy has been the establishment of a standing committee of the Legislative Council to look at the reviewing of statutory authorities. Indeed, I think that Mr Gunn in another place has moved motions, and perhaps even looked at legislation, to try to establish a standing committee in the Legislative Council. As I said, that is a policy of my Party. Again, I put my own personal position and that is that I believe that we collectively, as members of the Legislative Council, particularly now at the start of a four-year parliamentary term, should engage in productive and, hopefully, harmonious discussion as to what we would like to do with our Chamber.

I believe also that, rather than having just a statutory authorities review committee of the Legislative Council, given that we cannot have a comprehensive number of standing committees in this Chamber, any that we do establish should not be as limiting as a specific committee on statutory authority review. Over recent years suggestions have been made to establish a road safety standing committee, perhaps of the Legislative Council, or of both Houses of Parliament. Again, if it is to be in the Legislative Council, I would have the same view, that anything we do establish as a Chamber should not be as restrictive and as limiting as road safety considerations.

My view has been, and continues to be, that if we are to have a statutory authority review committee—something which I do support—we should look at the Senate system in Canberra and the operations of the Government and Finance Committee of the Federal Senate. In the 1970s that committee, known as the Rae committee, did a lot of productive work in relation to statutory authority review, but it also engaged in a whole range of other productive reviews in many other areas such as, for example, the massive investigations into the stock exchange in the early 1970s.

I believe that if we established something akin to the Government and Finance Committee, it would then have within its authority the ability to look at statutory authority review, but it would not be limited only to that. If we wanted to look at the Public Service superannuation scheme, for example, and perhaps the potential unfunded liability of a scheme like that, that could go to a standing committee on Government finance in the Legislative Council. If there was concern, for example, about the lease-back arrangements for the Torrens Island power station and who owns our power station, again, a reference like that could be referred to a Government finance committee of the Legislative Council.

The second committee I would like members of the Chamber to consider relates to the matter of a legal and constitutional matters. Again, that is modelled on the Federal Senate Legal and Constitutional Committee, and I have in my files somewhere a whole series of references that that particular committee has considered and reviewed over the past 10 or 15 years. It could look at the legal situation in relation to road safety, if need be and perhaps social questions such as euthanasia. There is now a push for a select committee in relation to the law relating to euthanasia. A whole range of questions relating to legal and constitutional matters could be referred to a standing committee of the Parliament.

I know that most of my colleagues, and probably members of all political persuasions, share my view that the select committee of the Legislative Council is one of the strengths of the Legislative Council. I believe that a small evolutionary move towards standing committees—perhaps one or two—would not prevent the establishment of select committees by this Chamber on particular issues of controversy or important issues of the day.

The Senate recently established a select committee on the pilots dispute, because it believed, for a variety of reasons,

that it was better for it to establish a separate select committee on that issue rather than referring it to one of the many standing committees of the Senate. I hope that at the start of this four-year parliamentary term and this session that, within this Chamber, we can have some sensible debate about what a majority of members in this Chamber would like to see in relation to committees, perhaps to grievance procedures, but to a whole range of other questions in relation to our own Standing Orders to make for a more productive and efficient Legislative Council.

I do not want to descend into a personal dispute with the Attorney-General about who was at fault in relation to the joint select committee on the operations of the Parliament. That is past.

*The Hon. Anne Levy interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Ms Levy is not being very gracious there. As I said, I do not want to enter into a dispute as to who was to blame for that. What I am hoping we might be able to enter into here at the start of a new Parliament is some sensible and productive debate between members in this Chamber as to how we operate and how we can make it a more productive and efficient place, and perhaps how we might be able to make it even easier for you, Mr President, and your table staff.

In relation to the operations of the Parliament, I do not want to spend too much time on the decision which I am sure will provoke some debate at some other time this session in relation to the membership of select committees. As members will be aware, the Liberal Party has taken the view that, at least in relation to a number of select committees, we will support a move that the membership of the Council should be reflected on the select committees of the Legislative Council. Indeed, with a number of those select committees we will be supporting a return to the traditions of the Legislative Council, the traditions as outlined in the Standing Orders of the Council that they shall comprise five members, and not six, as has developed over the past 10 or 15 years in this place.

As I have said, when we have in this Chamber the governing Party supported by some 38 per cent of South Australians, we do not believe that it is a fair reflection on the select committee structure to have the Government reflecting 50 per cent of the membership of a select committee. So, that is the view of the Liberal Party, at least for some of those select committees. Obviously, this will be a decision that all members in this Chamber will make in relation to each select committee that is established. It may be that on occasions it will be more appropriate to have an even number of members on select committees, and the majority of members in this Chamber may well support that. We have indicated, and have done so already in a number of motions, our preparedness to return to the traditions of the Legislative Council in relation to the number of members on select committees. I believe that, in a small way, that will make for a more powerful select committee and a strengthening of the operations of the Legislative Council through the select committee operation of the Parliament.

There have been considerable problems in relation to at least two select committees of the last Parliament—and I will not go into these at length at this time because I am sure we will have debate about it—in trying even to get the work of the select committees going in some cases, or in calling meetings, in an attempt to finish the references from the Legislative Council to those committees within, hopefully, a reasonable period of time. As I said, I am sure we will debate that matter at another stage. I just wanted to place on the record my view and the view of the Liberal Party on that matter.

I now turn to the recent State election. Whilst I congratulated the Bannon Government and Premier Bannon in particular on his victory, I must now say that I was appalled at the Bannon Government's use of false pretences and fraud to ensure the election victory of late last year.

**The Hon. Carolyn Pickles:** Would you say that outside?

**The Hon. R.I. LUCAS:** I have said it outside on a number of occasions—I am happy to. I will repeat it: I was appalled at the Bannon Government's use of false pretences and fraud to ensure victory late last year. Sadly, the Bannon Government has had a very bad history in relation to the keeping of election promises or, indeed, the parading of promises under false pretence prior to an election and then, soon afterwards, whipping it back and hoping that, by the time of the next election, the people will have forgotten.

**The Hon. Peter Dunn:** 1983—no new taxes!

**The Hon. R.I. LUCAS:** I guess what you can say about Premier Bannon and the Attorney, and other Ministers in the respective Bannon Cabinets, is that they are pretty good judges of the community, because that is indeed what has happened. In 1982, as the Hon. Mr Dunn mentioned, the central feature of that campaign was a promise of no new taxes. Relatively soon after that, we saw the new financial institutions duty introduced by the Bannon Government. In 1985, one of the central features of that campaign was the Bannon promise not to cut education funding and the cast iron guarantee—although they were not the words—of no cuts in teacher numbers for the duration of the parliamentary term. Of course, in the space of four years, we saw the slashing of over 700 teacher positions from our Government school system by the Bannon Government—quite contrary to one of the central promises of the 1985 election campaign.

Then, as we have heard today from the Hon. Mr Davis, we had the absolutely despicable act in relation to Homesafe or Homesure, as it is now known, the interest rate relief program promise made by Premier Bannon during the last election campaign. These changes were outrageous and yet Government members still have the temerity to stand up both in the Parliament and in the community and say that they have not broken a promise, that what the Government has introduced is within the spirit of the promise made at the last State election. During debate on the Homesure Bill, I intend to speak at length on the background to the Homesafe/Homesure debacle and about some of the disgraceful claims made by Premier Bannon and his Minister (Hon. T.H. Hemmings) during that election campaign.

There is no doubting what I am saying, Mr President, that this Government, and Premier Bannon in particular (and he is a good judge of community feeling) believes that the community will forget after three years—as long as the promise is broken early enough. As I said, credit to him, he is a better judge of the community feeling than perhaps we in the Opposition Parties have been. There is no doubting from his behaviour from 1982 onwards that he is prepared to promise anything to get elected and it does not really matter to Premier Bannon what he is saying in relation to an election promise—he knows that soon after the election campaign he will break that promise and will be relying on the South Australian community to have forgotten it by the time of the subsequent State election.

In relation to who initiated the Homesafe or Homesure program, the Government introduced its program 24 hours after the Liberal Party had announced its mortgage relief program on the Sunday, mid-term in the election campaign. It was then claimed through the Premier's office, supported by the Premier himself and other senior Ministers of this Government, that the Liberal Party, who had announced

its program 24 hours prior, had stolen the program from the Bannon Government in some way and released it prior to the Government's announcement to try to grab some sort of advantage. That was a disgraceful allegation and, as I said, it is one that I will be exploring at length during debate on that Bill.

During that campaign we had not only senior Ministers and the Premier not telling the truth in relation to Homesafe and accusing the Liberal Party of stealing it but again we had the Premier and senior Ministers not telling the truth in relation to increases in interest rates on Homestart loans.

Just to refresh your memory, Mr President, during the last 10 days of that campaign we had a situation where officers of the Homestart office were advising consumers or interested members of the community that the interest rate on the Homestart loans would be increased from 15 per cent to 15.5 per cent. That was in line with the make-up of Homestart loans. Half of it, at 7.5 per cent, was an interest rate component to reflect the cost of getting the money, and the other half was directly related to the CPI. The officers of Homestart were honest enough, at least at the outset, anyway, to indicate that as inflation had gone up to 8 per cent then their interest rate was going to go up on their Homestart loan from 15 per cent to 15.5 per cent.

Then, over a period of two or three days, we had the unedifying spectacle of Premier Bannon and Minister Hemmings trying to cover up the truth in relation to the Homestart program. We actually had the situation where a press secretary to the Minister of Housing, Mr Ray Rains, was again honest enough to indicate to the *Advertiser* that the interest rate would be going up, and then again the next morning we had Mr Bannon carpeting Mr Rains for telling the truth and denying that that in fact was going to happen and denying that people had been told on the Homestart hotline that the interest rate was to go up from 15 per cent to 15.5 per cent.

We had a series of quite outrageous claims made by Premier Bannon and other Ministers in the Bannon Government in relation to the promises and the cost of those promises of the Olsen program. Again, I do not have the time to go through all the detail of those extravagant claims that were made by Premier Bannon and other Ministers, but they came in a list under the heading 'Olsen promises that cost so far is $526 million'. They were putting that to the media and trying to indicate that that was a one year cost.

They included in that $100 million, for example, for effluent disposal, which was a program the Liberal Party promised to extend over 10 years. They had an estimate in there of the cost of primary industry policy at $58 million. I sat down with Dale Baker, who was the shadow Minister, and said, 'How on earth could they, looking at that policy, of the Liberal Party come up with a cost of $58 million?' The only way we think they could have come up with that cost of $58 million was a particular provision that we had in relation to drought relief and they must have made the assumption that there was going to be four years of drought in South Australia with a maximum payment made to everyone who might have been eligible and telescoped that back down to 12 months.

It is no wonder that in 1989 Mr Bannon was unable to get the head of Treasury to sign some of these particular costings of the Olsen program, as they had been able to do in 1985, when Treasury did a costing of the Olsen program. They are some of the major examples, but it extended even to the local electorate level—what I see as the lack of integrity of this Government and some of its members. I can recall doorknocking in Norwood on behalf of Bob Jackson, our candidate, with a little brochure which indicated that the Government was going to close down the Norwood Fire Station. This is perhaps not a matter of great moment to hold the front pages for, Mr President, in your favourite newspaper, the *Advertiser* but, nevertheless, an important issue to the people in Norwood and to the local media in Norwood. We doorknocked and letterboxed that particular leaflet and there was a lot of outrage about the fact that the local fire station was being closed down. We had a statement from the local member, the Hon. G.J. Crafter, in the last week of the campaign denying, on behalf of the Government, that indeed that was going to happen. Of course, not more than two months later, we see the Norwood Fire Station being closed down, together with a number of other fire stations. The Hon. J.H.C. Klunder in another place said it was not really a closure but part of a rationalisation program but it did mean that the fire station would no longer be there.

These are only three or four examples, I believe, of the false pretences and lack of integrity of the Bannon Government in relation to campaigning during the 1989 election campaign. As I said, it is a sad reflection on both the persons, personalities and the Government that they can indeed be so careless with the truth and so blatant in their preparedness to break election promises and yet continue to be re-elected, albeit with only 48 per cent of the two Party preferred vote in South Australia.

I see the last two weeks of that election campaign as being a bit of a watershed for Premier Bannon and the Government. I believe that for the first time the South Australian community, at least a little bit anyway, and the South Australian media saw another side of Premier Bannon himself and of his Government. There was the naked and sometimes desperate clinging to power, their preparedness to turn previous statements on their head, their preparedness to make whatever promises were needed to be made to ensure re-election of the Bannon Government and its members. There was the unedifying spectacle of Premier Bannon being reduced to Rann stunts, the sort of stunts that the member for Briggs has become renowned for over the past four years, stunts like Premier Bannon sitting there in front of millions of dollars of Mayne Nickless money, or whoever's money it was, trying to indicate that that was the cost of the Liberal program.

There was the other stunt of sitting in front of the Cabinet table with what looked like a 40-metre toilet roll in front of him which was meant to be a list of the Liberal Party promises. It was an unedifying spectacle with no substance. It was certainly something which really did not befit the Premier of a State such as our own.

I believe that John Bannon did go into the election campaign in what I would call an unchallenged position within his own Party. I am not referring to challenges for leadership but I mean that he had the authority of a leader and to indicate what he wanted and the various factions within the Labor Party jumped. However, I believe that John Bannon has come out of that watershed and that election in a considerably weakened position. I do not believe that we will see John Bannon with the same authority that he has had for the past seven years, with that ability to dictate to the various factions within the Labor Party what he wants and demand that he get it on all occasions.

It is common knowledge that already on a couple of occasions in the Cabinet John Bannon has been rolled on a number of issues, and I am sure that over the coming four years there will be an increasing number of examples of that. Indeed, there will be examples of that within Premier Bannon's own Caucus.

Talking of the factions of the Labor Party, I am indebted to Mr Don Farrell, who was a senior vice-president of the Australian Labor Party. I am not sure whether, in the Labor Party scheme of things, he still holds that position but I am indebted to him for a paper that he has written. I have a copy of that paper which is on balance and power sharing in the Australian Labor Party, which Mr Don Farrell wrote some time earlier last year.

The last matter I want to address in the Address in Reply debate this evening is to quote some of the material from Don Farrell's very perceptive analysis.

**The Hon. C.J. Sumner:** Where did you get it from?

**The Hon. R.I. LUCAS:** It does not matter where I got it from. I am sure the Attorney will be interested in what I am about to reveal. It is a very perceptive analysis of the internal operations of the Australian Labor Party, not only of the State Caucus but also of the make-up of the State Executive. On this occasion I will address only the operations of the factions within the State Labor Party Caucus. Don Farrell, who, as we all know, is a representative of the Labor Unity faction expressed a point of view early last year—some 12 to 15 months ago. Mr Farrell states:

> In recent weeks John Scott MHR, Peter Duncan MHR and Senator Bolkus have issued public statements attacking the outcome of internal elections in the South Australian branch of the Australian Labor Party.
>
> All three of these MPs are members of the Socialist Left faction, one of the three factions that are influential in the ALP. The other two factions are the Centre Left, led by the Premier, John Bannon, and Labor Unity, which is identified with the Prime Minister, Bob Hawke. I am a supporter of Labor Unity.
>
> John Scott, Peter Duncan and Senator Bolkus all claim that their Socialist Left faction is not getting its fair share of jobs and power within the South Australian branch. Although both Mr Duncan and Senator Bolkus are Federal Ministers with considerable power and a personal staff of 15 between them, they accuse the Centre Left faction of adopting a winner-take-all attitude to jobs and power that is not in keeping with the best interests of the tradition of the South Australian branch.

I am sure that the Hon. Ms Pickles will be interested in the rest of this. It continues:

> These public outbursts are not only disloyal and damaging: they are not true (see attached tables).

As I said, I will refer to one of the tables that will be of much interest to the Hon. Ms Pickles and Ms Levy. I will not refer to the other one in relation to the Labor Party Executive, as time will not permit me to do so this evening; I will save that for another day. Mr Farrell continues:

> I do not believe these public outbursts should go unchallenged, but I have chosen to reply to them within the forums of the Party, not in the Murdoch press.

**The Hon. C.J. Sumner:** This is real leadership stuff.

**The Hon. R.I. LUCAS:** You are a bit sensitive, are you? Mr Acting President, the Attorney is very sensitive about this particular matter. The document continues:

*The Hon. Anne Levy interjecting:*

**The Hon. R.I. LUCAS:** Well, take it up with Don Farrell, who is one of your own. The document states:

> Balance in State Caucus
>
> Many people in our Party would agree that balance in the State Caucus involves pre-selecting Labor candidates so that each faction or tendency in the Party receives its fair share.
>
> But the pre-selection process must take account of many factors other than factional allegiance. It must consider ability, the known preferences of individual electorates, and the needs of the Parliamentary Party.

There are some further references, but I will leave them for another day. On page 2 of the document, Mr Farrell states:

> Further reference to table 1 shows that it is not the Socialist Left which is under-represented but Labor Unity. And the group that is over-represented is [as described by Mr Farrell] the Independents.

I will have some comments to make about the supposed Independents, of which the Attorney proudly proclaims himself to be a member. The document goes on:

> Labor Unity accepts this—

*The Hon. Anne Levy interjecting:*

**The Hon. R.I. LUCAS:** Well, you are happy to talk about 'Wets' and 'Dries' during Question Time, when the Hon. Attorney loves to wax eloquent in response to questions from the Hon. Mr Crothers. Let us look at the Labor Party's factions and the machinations of the State Labor Caucus.

**The Hon. Anne Levy:** At least get the name right.

**The Hon. R.I. LUCAS:** I can only quote from Labor Party documents. I am not suggesting—

**The Hon. Anne Levy:** It is not an official Labor Party document.

**The Hon. R.I. LUCAS:** Well, Don Farrell is a senior ALP Vice-President.

**The Hon. Anne Levy:** It is not an official Labor Party document.

**The Hon. R.I. LUCAS:** They are very sensitive, Mr Acting President. I will continue to quote:

> The group that is over-represented is the Independents. Labor Unity accepts this and will work over the next 10 years, to improve its position by putting forward suitable candidates (horses for courses) in available State seats.

Obviously the Labor Unity faction runs horses in preselections. I have heard the candidates of the Socialist Left and the Centre Left described as other sorts of animals, but I will not enter into that, particularly with the people that we have in the Chamber at the moment. The quote continues:

> But its main priority will be electing Labor Governments. Unlike the Socialist Left—

the faction that perhaps the Hon. Ms Pickles and the Hon. Anne Levy belong to—

> it will not squeal publicly, threaten National Executive intervention, challenge sitting MPs, or . . .

**The Hon. Diana Laidlaw:** Tell them what the Left do,

**The Hon. R.I. LUCAS:** Well, according to Labor Unity faction in South Australia they squeal publicly, threaten National Executive intervention, they challenge sitting MPs or try to talk—

*Members interjecting:*

**The Hon. R.I. LUCAS:** Mr Acting President, I am sure Government members will be interested in this last quote:

> . . . or try to talk the Bannon Labor Government out of office.

That is what the Left faction is up to in South Australia: trying to talk the Bannon Labor Government out of office. The document goes on to discuss positions in the Party machine, which I will look at on another day. The document concludes:

> The Australian Labor Party is governing at both State and Federal levels. The Bannon and Hawke Governments are doing a competent and courageous job.

That is not exactly glowing praise of the Bannon/Hawke Governments. Competent and courageous is as much—

**The Hon. Diana Laidlaw:** What about light and flair?

**The Hon. R.I. LUCAS:** Well, we are told that there will be a lot of light and flair in the next four years, at least in South Australia. On behalf of Labor Unity, Don Farrell thinks that at least the Bannon/Hawke Government are competent and courageous—not much more. Mr Farrell goes on to state:

> Many older members of our Party—

they tell me there are quite a few of them in the Labor Caucus—

> tell me that this is the ALP's finest era in their lifetime. I believe the ALP's internal rules and procedures are fair and democratic, but those who believe they can be improved are welcome to use

the democratic processes of the Party to change them at this year's annual State Convention.

And here is the crunch:

Party members ought to get behind the Party and not be distracted by a few selfish, untruthful outbursts from three people—

and let me remind the Council that those three people are senior members of the Left faction: Scott, Duncan and Bolkus—

who benefit more than most from Labor Governments.

I will quote just one other section for the edification of members in this Chamber and in another place about the make-up of the State Labor Party Caucus and the various factions to which our members in this Chamber and in another place promise adherence in the Labor Party Caucus. There are four particular groupings: Labor Unity has struck the jackpot in doubling its numbers—we have Mr Holloway and Mr Atkinson representing that faction in another Chamber, with no representation as yet in this Council for their factional deals. My Labor Unity friends and sources tell me that Labor Unity will very soon have representation in the Legislative Council. So, those of you here from the Left and Centre Left, who have had this Chamber locked up for themselves, watch out: Labor Unity is after you.

The Centre Left has Bannon, Crafter, De Laine, Gregory, Hamilton, Hopgood, Hutchison, Klunder, McKee and the controversial Mr Quirke, Roberts R. (I had better not confuse him with Roberts T. because he is of another ilk), Bruce, Crothers and Wiese, a total of 14 members of the Centre Left faction of the State Labor Party Caucus. Of course, there are two for Labor Unity. We then have this softer little section—I guess you could call the Centre Left a soft little section as well—calling themselves the Independents. As I said, to all intents and purposes, they do as Bannon wants: they jump when the Hon. Mr Bannon indicates that they ought to jump. However, designating themselves as Independents, we have the Hon. Mr Arnold, Mr Ferguson, Mr Hemmings, Mr Rann, Mr Trainer, and, of course, the Attorney-General, Mr Sumner, a total of six in the State Labor Party Caucus.

Finally, we have the Socialist Left, as Mr Farrell would like to call it, although the Hon. Anne Levy obviously has another description for herself and her faction.

**The Hon. Carolyn Pickles:** 'Members of the Bannon Government' is our description of ourselves.

**The Hon. R.I. LUCAS:** Is that right? That is wonderful! We have as members of the Socialist Left faction the Hon. Mr Blevins and Mr Groom—who was a late convert. He wandered round a bit between the factions and really could not find himself a home anywhere. Eventually the Left took him in, away from the clutches of the Hon. Mr Bannon. We also have the Hon. Ms Lenehan, the Hon. Mr Mayes, Mr Heron, the Hon. Mr Feleppa—

**The Hon. M.S. Feleppa:** We are all proud members of the Labor Party.

**The Hon. R.I. LUCAS:** The Hon. Mr Feleppa is listed here by Mr Farrell, as are the Hon. Ms Levy, the Hon. Ms Pickles, the Hon. Terry Roberts and the Hon. Mr Weatherill. They have very good representation in the Legislative Council.

*The Hon. Trevor Crothers interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Mr Crothers says that Mr Gorbachev has joined the Centre Left. I think Mr Gorbachev has a bit more substance than ever wishing to join the Centre Left; he actually believes in something, I suspect. Certainly, within the State Labor Caucus one could argue that the Socialist Left believes in certain things and Labor Unity believes in certain things. But, as my friends from Labor Unity and the Socialist Left would tell me, the Centre Left or the Independents are that squashy bit in the middle that does not really believe in anything other than the pragmatic desire and desperate need to cling to power. That is what the Centre Left and the Independents believe in.

Time does not permit me to go through the rest of that very interesting paper from Mr Farrell. A number of other documents have been provided in relation to the internal operations of the Labor Party. As I said, perhaps if we have grievance debates or something like that we will have another opportunity in the Parliament to talk about some of the wide ranging issues that might be of interest to members. I make the point that Premier Bannon is no longer unchallenged: the factions are already rumbling within the Labor Party. We do not have to listen to the Centre Left number-cruncher, the Hon. Mr Crothers, talking about the wets and dries within the Liberal Party of South Australia because, while there are differing views within the Liberal Party, we certainly have not reached the stage of the formalising of the factions as that very comprehensive analysis of the factions of the Labor Party shows. We have not reached that stage within the Liberal Party and, indeed, we never will.

The factions within the Labor Party are rumbling, and Mr Bannon's position is no longer unchallenged. He will be under increasing threat from the factions over the coming four years, and we will see a considerably weakened Premier by the time of the next State election. With those words, I support the second reading of the Address in Reply—

**The Hon. Anne Levy:** It is a motion.

**The Hon. R.I. LUCAS:** I support the motion for the adoption of the Address in Reply and indicate, as I indicated at the outset, the preparedness of the Liberal Party on the first matters that I raised to work with the Government and the Democrats for the smoother operation of the Parliament and the smoother operation of the Legislative Council.

**The Hon. M.S. FELEPPA:** I also rise in support of the adoption of the Address in Reply to the speech of His Excellency the Governor. During my time this evening I wish to make some observations on the issue of poverty in Australia, and particularly child poverty. I also wish to make some observations on the recent State election in South Australia, and it is there that I will begin.

On 25 November last year the South Australian election saw the return of the Bannon Labor Government for a third successive term. The outcome of the election has been analysed in great depth by those who have an interest in the government of our State, the general consensus being that the electorate must have perceived both the Labor and Liberal Parties to have some inequities in a number of areas. This perception led to a fall away in support for the Labor Party and a consequent loss of seats in the Lower House but, instead of that loss of support flowing to the Liberals, it was the small Parties and the Independent candidates who were the recipients of this swing against Labor.

As a result, some very talented men and women parliamentary colleagues lost their seats in another place, and it is unfortunate that their loss is also a loss to the State of South Australia. It appears that the Liberal Party's leaked and expensive 'say "No" to high interest rates' campaign was to a degree successful in prying votes away from the Australian Labor Party. But, interestingly enough, those votes did not flow to the Liberals, because the electorate was able to see that the Liberal Party offered no realistic, honest or sensible solution to the question of interest rates. In fact, it was and still is true that a State Government—

*Members interjecting:*

**The ACTING PRESIDENT:** Order!

**The Hon. M.S. FELEPPA:** —be it Labor, Liberal or, indeed, Democrat, has no control over Federal Government monetary policy and even less control over how the banks set the level of interest rates. It is not hard to tell people what they want to hear: the Liberals showed that during the last State election campaign. The very hard part is to provide a credible, responsible and honest alternative. On any test I believe that the South Australian Liberals failed to provide this convincing alternative during the State election and, thus, paid the penalty of having another four years on the Opposition benches.

The electorate was asked by the Liberal Party to say 'No' to high interest rates, yet at no time during the campaign were the people of South Australia told what in fact they were saying 'Yes' to. The basic dishonesty and political opportunism of the Liberal Party campaign was well exposed immediately following the result of the election, when the Federal Leader of the Opposition (Mr Andrew Peacock) and the Leader of the National Party in the Senate (Senator John Stone)—

*Members interjecting:*

**The ACTING PRESIDENT:** Order!

**The Hon. M.S. FELEPPA:** —both admitted that, if they were in government, interest rates would not necessarily fall.

In fact, Senator Stone (who is the shadow finance spokesperson) said in Parliament on 27 November last year, only two days after the South Australian election, that the Opposition had no magic wand to bring down interest rates. Senator Stone also said that it would have been irresponsible to promise immediate or large interest rate falls. It is a pity that that sort of frankness came after the South Australian election but, anyway, no-one would expect any less from the Federal Opposition, which seems to lack leadership and credible policies.

The campaign by the Liberals in South Australia failed, even though they spent hundreds of thousands of dollars, if not millions, trying to deceive the electors of South Australia. It failed to sway enough voters to vote in a new Government; instead, the Bannon Government was returned, albeit with a reduced majority. The outcome of the State election saw no change in this Council, as the Hon. Mr Lucas, the Leader of the Opposition in this place, has already said. The Hons George Weatherill, Ron Roberts and Julian Stefani were all elected in their own right after they entered the Legislative Council to fill casual vacancies caused by the retirement of members. I offer my congratulations to them, as the previous speaker offered his, and I wish them good parliamentary careers.

Whilst there have been no changes in the personnel of the Council, there certainly have been a number of changes in the leadership group of the Opposition, both in this Council and in the other place. I am sure that the Hon. Mr Cameron, when clearing his Legislative Council bench on the final days of the last sitting, did not realise for one moment that he would be moving backwards. I recall that he thought and said during the last few debates over the final sitting days that he would be moving over to this side of the Chamber. I acknowledge the change in leadership of the Opposition in this Chamber, and I congratulate the new Liberal Leader, the Hon. Mr Robert Lucas. His rise to the position of Leader of the Opposition in the Legislative Council at such a young age and after such a short time in the Parliament is indeed a testament to his obvious ability and talent, and it must indicate that he has the confidence of his colleagues in this Chamber and within his own Party.

The position of Leader of the Opposition in the Legislative Council, as I believe you would agree, Mr President, is a position of great importance within the Westminster system of Government and it carries with it great responsibility. I am sure that members will watch the Hon. Mr Lucas's progress and performance as Leader in this Council with interest, and I hope that the assumption of the leadership position will temper any youthful over-exuberance that might have been evident in the past.

I indicated that I would be speaking on another issue but, while I have been a little critical of the Liberal Party, I should raise, although with a degree of reluctance, another matter which is related very much to this sort of election tactic, even though in doing this I am also aware that it could create an uncomfortable situation for my colleague, the Hon. Mr Julian Stefani. I raise this matter mainly because several people in the ethnic communities have been critical and have spoken to me in that manner, and also because the matter has been raised in the past few days by *Il Globo*, one of the newspapers largely published in Australia weekly, in an article dated 12 February 1990. Its title is 'Il lupo perde il pelo ma non il vizio'. For the benefit of *Hansard*, translated this could mean that the wolf may lose his skin but not his habits. In other words, the wolf continues to slaughter the sheep even though he knows he runs the risk of being shot. These people, as well as the contents of the article, have been critical of the fact that Mr Julian Stefani, when he was elected to the Parliament, was assigned the responsibility of a couple of areas, one of which was the ethnic affairs area. That pleased the ethnic community groups very much, and they welcomed that move by the Liberal Party. However, this was simply turned around after the election result and as a consequence Mr Stefani was—

**An honourable member:** Dumped.

**The Hon. M.S. FELEPPA:** I do not say dumped; he was no longer responsible for that area. The article simply implies that the Liberal Party has been typically political and cynical in order to gain support from voters within the ethnic communities. I did not translate the full contents of the article, but the conclusion is something that the Liberal Party should bear in mind. The article concludes that the ethnic communities have been humiliated by this cynical tactic of the Liberal Party and that such humiliation will not easily be forgotten.

I now wish to move to the issue of poverty in Australia. There can be no more debilitating social disease than poverty. The social discussion on poverty has become commonplace and almost fashionable, especially in recent times. It has become a subject of public and private concern, especially with the advent of permanent and almost structural unemployment. Unfortunately, in the hands of politicians a discussion on poverty may be judged by some to be trite because it is couched in *a priori* policies of Party politics.

History records poverty as a fact of life from time immemorial. It was praised and damned, glorified and condemned as a crime. Our Judeo-Christian tradition, on which much of our so-called secular society is based, has been part of this historical development. In the good book poverty has gone from a sign of failure and displeasure by God to a claim to honourable status.

Our most recent social history seems to have accepted the almost unavoidability of poverty and inequality in society and the almost justification of the necessity for the existence of the poor as a means of providing the rich with an opportunity to bestow their charity. The right by people in our society not to be poor has never been clearly stated or acknowledged. Our political and social history is not very

rich in examples of concern to eliminate poverty. Our legislation has been far more concerned with protection of property and wealth rather than with the elimination of poverty. In a society where wealth and property is the touchstone against which most things are measured, this concept of the wider meaning of poverty is not easy to translate into legislation and programs. Although we might mouth many of the platitudes which form the theoretical discussion on poverty, in practice we seem to have done very little to confront such a social disease.

In Australia, with all our wealth and resources, we seem unable to reduce the number of those who live without adequate means to support themselves. The causes of poverty are many and varied and the easy solution for us is to blame the poor for their dilemma. By giving some examples, one would almost consider it to be fashionable, as I said before, at regular intervals to bemoan and lament continuously the plight of homeless youth. Every youth worker will tell us that the major causes of youth homelessness are malfunctioning families and the lack of employment opportunity. Governments of all persuasions have tackled the problem of unemployment, even though inadequately, but no significant program of health has yet been developed to support those families who are at risk of failing to provide adequate emotional, social and financial support, which factors might drive their children away.

A similar example may be quoted from the plight of children of unmarried mothers. The simplistic premise that these women fall pregnant in order to put themselves on the welfare list is, in my view, arrogant and, frankly, quite stupid.

**The Hon. Anne Levy:** Hear, hear! And also insulting.

**The Hon. M.S. FELEPPA:** Insulting. In taking that view we fail miserably on two counts: first, in understanding the elements which contributed to the mother becoming pregnant and, secondly, to the inherent rights acquired by the children, irrespective of the manner of his or her conception and birth. The fact is that any mother performs one of the most skilled and valuable roles in society, yet the services we grudgingly provide to these mothers are leading to the creation of precisely the type of poverty which is the subject of this discussion.

As I said before, I believe that a more enlightened approach would provide for programs designed to prevent the occurrence of undesirable situations similar to the one I have stated above and also the provision of opportunities to the child. This is precisely my contention in this debate this evening. Poverty is not solely about lack of material goods, property, money, or even a job. What poverty is principally about is the lack of equality of access to those means which provide all of us with the opportunity to achieve our goals. Inequality of access in opportunity is particularly damaging for women and children, because it sets them on a path of frustration and lack of achievement. Society is so structured that women are placed at a disadvantage by being prevented from achieving in spite of the so-called psychological modern myth of equal opportunity. Women still have to struggle to achieve. If it is a woman who heads a sole parent family, then she is seen as being in her rightful place—at home with the children and should be kept there in that structure where she can be administered by welfare.

Poverty is its own structure. In the case of a child who knows it is poor and learns to act its role as one of the poor in the community, it comes to expect to remain in poverty. In many cases it becomes a psychological problem and needs to be addressed as such. The child who can overcome its sense of poverty and achieve its potential may be of a stronger character because of the struggle, but the child is psychologically scarred and, on the way up, it may affect other children who also become casualties of poverty. The cost of poverty to the children is more than monetary—it is a cost that cannot be measured, because it is an emotional cost of always feeling in need and being an object of pity, of being constrained in participation at school and in the neighbourhood.

Poverty, and particularly child poverty, can be solved and must be solved. If we can solve the problem of the aged and provide adequate care for them, we can solve poverty. If we can solve the problem of unemployment, we can solve the problem of child poverty. If we can solve the problem of communication using outer space, surely we can solve the problem of poverty using money (and much more than money), knowledge and understanding of the social and cultural effects of poverty and the benefits to all that will flow from the solution to the problem of poverty.

There is an idea abroad that simply by the right management of those who are poor and the right fiscal policy poverty can be managed away. There is also the radical idea that the poverty industry that has been built up needs the poor so that that branch of the welfare industry can be perpetuated. That is sheer nonsense. The catch phrase that the poor are always with us is a fallacy that must be and will be put to rest when we are in a position to solve the problem.

The poor need the welfare, Mr President, there is no question about that, but welfare should not claim to need the poor. In the book *Child Poverty* Bettina Cass tells us at page 146:

> . . . poverty is substantially the result of a family not having enough income to meet basic needs, and that what is needed to alleviate this is a redistribution of income through the tax transfer system.

She states further at page 148:

> . . . that definitions of poverty must go beyond income at any one time and be concerned as well with the major flow of lifetime resources which enable individuals and their families to participate fully in economic, social and political life.

That a family and individuals cannot participate in the social and political life of the community is linked closely with the problems of inadequate income. Any attempt to solve the causes of poverty must address the problem as more than just an economic problem, and then the family and individuals will be able to raise themselves to their potential in the community.

Poverty can be seen as caused by the want of income; that is, the economic cause of poverty, and that is how it is usually addressed and the solutions proposed. More deeply, poverty is a social issue and it is held in place simply by structures in society, structures which are seen as economic problems rather than social and cultural. I believe that, until the social and cultural problems are addressed as such, poverty will still remain a problem. Don Edgar, the editor of the book *Child Poverty*, states on page 1:

> . . . poverty is socially constructed and maintained by our institutional arrangements, fed by value systems and attitudes that serve not the wider social good but the interests of those in power.

Employment and unemployment are so structured in society that they work against those on the lower rungs of the scale who are never able to reach their potential. I said before that the causes of poverty are many and varied, and often an easy solution for us is to blame the poor for their dilemma. Unfortunately, the 'dole bludger' myth and 'single mother' myth are two which became prevalent in the late 1970s and 1980s. The sad thing is, however, that the myth of the poor somehow choosing this as a lifestyle choice is something that is getting yet another airing in the political debate.

The notion that you should 'blame the victim' is again taking the place of trying to solve the problem. In committing his Government in 1987 to eliminate the need for child poverty by the year 1990, the Prime Minister (Mr Hawke) placed the issue firmly on the social and political agenda. The action of his Government since that commitment, with the implementation of redistribution methods such as the family allowance supplement and cuts in income tax rates, has shown an understanding of the problem, as well as a willingness to tackle some of the central issues. His Government could easily be criticised by those who feel that solving the problem is less important than making political capital out of the nature of the commitment.

But the fact remains that the Hawke Labor Government has taken the bit between the teeth. It has placed the issue of poverty on the agenda. It has implemented a number of policies to confront the problems simultaneously. The issue of social justice and poverty cannot be looked at in isolation from other factors such as economic policies. In fact, economic strategies and social justice strategies are two sides of the same coin. Prosperity must be created within a society through sound economic policies and it must be distributed throughout the society by sound justice policies. One without the other would simply lead to a disaster for our society.

Without wishing to appear too partisan, my view of histroy in Australia over the past two or three decades is that the Federal Liberal National coalition Governments failed in the 1950s, 60s and 70s to see that more needed to be done than just sitting back and living off the sheep's back. Unfortunately, during this period of time, Australian industry atrophied while we took on the role of the world's sheep run. It was during this time that poverty in Australia was first brought to the public's attention. Poverty in the 1990s is not a result of policies of the past few years but rather it is a result of 40 years or more of lost opportunities. It relates not only to lost economic opportunities but also to lost opportunities in education, health and welfare. There is no doubt that poverty in Australia in the 90s is a product of high inflation and high unemployment experienced in the 70s coupled with poor educational opportunities.

There is also no doubt that some of the poverty experienced in recent years can, to a degree, be attributed to the breakdown of the family structure in the 1970s. The breakdown of a marriage, especially a marriage from which there are children, could be seen as one of the major causes of poverty amongst women and, consequently, their children. However, it would appear that most of the poverty currently existing in Australia is due to unemployment, especially amongst those who could be described as long-term unemployed. Of course, there are those who are in employment but who are either unskilled or semi-skilled on a wage far below the average. These people can find themselves trapped in poverty quite easily.

By recognising where poverty exists, the Federal Labor Government has been able to implement an economic and social justice strategy that is making inroads into the plight of the poor in this country, and one of the great successes of the Hawke Labor Government has been the creation of over 1.5 million new jobs in this country since 1983. The vast majority of these new jobs are in the private sector and have been full-time positions, contrary to what has often been implied by some members of the Federal Opposition. By taking people off the dole queue, the Labor Government has been taking people out of poverty. The introduction of new income support measures, such as the family allowances supplement, the indexing of family allowances and the introduction of new schemes like the child support scheme, which is making non-custodial parents take some financial responsibility for their children, has assisted in reducing poverty in Australia.

There is more to social justice, however, than just providing income support measures. In education, the Federal Government has increased general recurrent funding for each Australian child at school by over 28 per cent in real terms, since coming to office in 1983. This, coupled with increased secondary school retention rates and the massive expansion of tertiary support numbers over the past seven years, can not only assist in removing the educational disadvantage previously experienced by those who lived in poverty.

One could go on listing the Federal Government's achievements in the fight against poverty. I refer to things such as Medicare which provides medical cover for over two million Australians who previously did not have any cover at all.

There have been increases in pensions and benefits well above the CPI which have helped the most disadvantaged to hold their head above water—that is just to name a few. To prove the point that I am making, that is, that this Federal Labor Government is having success in its fight against poverty, I quote the results of some research carried out by an independent social policy research centre of the University of New South Wales, reported in an article in the *Australian* of 20 and 21 January this year entitled: 'Hawke has really helped the poor'. The first paragraph states:

> The conclusion which emerges is that as a result both the targeting of welfare payments, and most importantly the very strong growth in employment which has resulted from the fall in real wages over the period, there has been a substantial improvement in the relative position of the low income groups—those who have gained employment as a result of higher employment and those who have received the higher level of targeted benefits, made possible by paying less to those who do not really need welfare benefits, have come off well.

The report goes on to report that the Federal Government's greatest successes have been among particular family types. It states:

> Among non-farming families, the greatest increase in median incomes has been for sole parents, whose median income has risen by 12.8 per cent.

Another quote direct from the social policy research centre's report is as follows:

> Irrespective of whether the Federal Government's pledge to end the need for child poverty has been met, it is clear that their family package of increased additional payments to low income families with children has had a significant impact upon the living standards of the poor. Again excluding farm families, which did relatively better, the real income levels of the tenth percentile—the bottom 10 per cent—are estimated to have increased by 12 per cent to 15 per cent respectively . . .
>
> While the limited nature of our analysis does not allow a conclusive response to the statement 'the rich are getting richer and the poor are getting poorer', we do feel confident in asserting that increases in employment and income support for families with children over the past seven years have significantly improved the circumstances of the poorest groups.

This independent assessment of what the Hawke Labor Government has done to alleviate the plight of the poor in Australia stands in stark contrast to the picture that the Liberal and National Parties have tried to portray.

Labor economic policies have produced a 25 per cent employment growth over the past seven years and Labor social justice policies have increased the real disposable incomes of the poorest Australians. One would have thought that by placing the issue of poverty on the political agenda the Hawke Labor Government would have jolted the Liberal National Opposition into some serious consideration of the problem and some serious policy formulation.

Instead, in recent times we have seen released the same old nonsense that we have come to expect as a substitute for real policy. Instead of actually proposing to do anything about poverty in Australia, the Federal Liberal Party appears set to ignore those who are already living in poverty and, in fact, to add to the ranks of the poor. The Liberal Party's economic action plan, which is the Liberal blue print for the future of Australia, is heartless in its contempt for those living in poverty in Australia. To fund its bizzare program of tax cuts for the rich, the Liberals propose to cut spending on social security and welfare by $1.145 billion, to cut spending on education by $235 million and to cut spending on Aboriginal affairs by $100 million.

All of these cuts in Federal Government expenditure on the poor in Australia will assist the Liberals to repeal the capital gains tax and reduce tax rates for the rich. The most amazing revelation about the Liberal economic action plan is that its second major plank, the thing that the Liberals consider to be the second most important economic decision, which they think they must implement, is the decision to cut the unemployment benefit for people who have been unemployed for more than nine months.

This, along with measures such as increasing the waiting period for unemployment benefits from one week to two weeks, is meant to be the Liberal Party's answer to Australia's troubled economy. In a speech delivered to the annual meeting of the Business Council of Australia on 17 October 1989, the Liberal Leader, Mr Peacock, made the extraordinary claim that taxpayers' money was:

> Funding a gravy train for those who want a free ride, people who, regrettably, regard welfare provided for short-term relief as their ticket to the easy life.

No-one on welfare in Australia is living the easy life. Yet, that is how the Federal Liberal Leader sees anybody who has been unemployed for more than nine months: they are bludgers who are living the easy life. Doesn't Mr Peacock know how much a person on unemployment benefits receives? I am quite happy to inform the Council that a single person on unemployment benefits currently receives the princely sum of $124.75 per week. A married couple on unemployment benefits receives $222.70 per week. To claim that anyone in Australia would be living the easy life on these incomes is as ridiculous as it is frightening.

It is frightening because it appears that the Liberal Party wishes to return to the good old days when those who were poor were to blame for their predicament. I wish to indicate to you, Mr President, and to honourable members, how the statement made by Mr Peacock, the alternative Prime Minister of this country—if he can ever make it—can be shown to be little more than a heartless untruth.

An unemployed couple with two children under 20 years of age receive $271 per week in unemployment benefits. If they are renting a house or flat one can assume that they are paying approximately 25 per cent of their income in rental. But, in many cases, the rental percentage would be much higher than that. If one deducts 25 per cent from their weekly income, one is left with $203.25 for a couple and two children. The Australian Institute of Family Studies, following extensive research, has produced figures that indicate the minimum cost for children in Australia. These figures, which have been updated, are contained in the institute's excellent publication entitled *Child Poverty*, which has been edited by its Director, Don Edgar. These figures are based on the 1988 CPI and, although they would be slightly higher now, they indicate that a child under 20 years of age, living in a low-income family, would cost $40.70 per week. Incidentally, this figure does not include housing, medical or dental expenses, child-care, transport, school fees or uniforms. Therefore, it is a minimum figure for the cost of a child under 20 years of age. A couple on unemployment benefits with two children under 20 years of age would therefore be paying out a minimum of $80.50 per week for their two children. This would leave them—after rent and the children's expenses—with $121.75 per week to feed and clothe two adults as well as to pay for all other household expenses. I am sure that Mr Peacock would spend more than that every week on his aftershave. To call this living the easy life is a heartless action from a man who has aspirations to become Prime Minister of Australia and who leads a Party that has totally lost touch with reality.

The Liberal Party attack on the long-term unemployed totally ignores the reality of the unemployment situation. While there are no doubt some individuals on unemployment benefits who deliberately seek to abuse the system, many face real obstacles in getting back into the work force. Often those in the ranks of the long-term unemployed lack education, skills, labour market knowledge and work experience. Without positive assistance job seekers are facing these obstacles and find it extremely difficult to get back into worthwhile employment.

It should also be pointed out that many long-term unemployed people are elderly: 25 per cent are 45 years of age and older, and only 12 per cent are under 21 years of age. Many come from non-English-speaking, or migrant, backgrounds and most have substantial family responsibilities. For instance, over 90 000 Australian children are dependent upon long-term unemployment benefit recipients. To cut these people off from unemployment benefits and to abolish programs such as Jobstart, a wage subsidy program, the Skillshare program and the new Enterprising Incentive Scheme, as well as to reduce employer subsidies under the Australian Traineeship System by 25 per cent as the Liberal's intend doing according to their Economic Action Plan, will condemn those Australians to the scrap heap. To implement the Liberal Party's economic action plan in this respect is, in my view, the Margaret Thatcher remedy to unemployment: make them disappear from the official statistics and then you can fix them for ever—they no longer exist.

The successful policy of the Labor Party has seen a totally different approach to the complex unemployment situation. As I have already said, the Hawke Labor Government has created over 1.5 million new jobs since 1983. However, as well as this, the Federal Government has provided positive assistance for disadvantaged job seekers to help them back into the work force. The success of the Government's labour market programs and its economic strategy is evidenced by the substantial decline of almost 50 per cent in the number of people receiving unemployment benefits. That is a decline from a high point of 670 000 people on unemployment benefits in the wake of the 1982 recession down to the current level of approximately 360 000 people. Many of the people coming off unemployment benefits are those who could be termed long-term unemployed. In fact, over 100 000 who could be termed long-term unemployed have come off unemployment benefits since 1984.

All these gains that I have outlined this evening would be lost if the Liberal Dickensian welfare and labour market policies were put into effect: thousands of people would be condemned to the ranks of the long-term unemployed under a Federal Liberal Government. Yet, just as they would appear in the statistics as long-term unemployed, they would be removed from the unemployment benefits, thus officially disappearing from the ranks of the unemployed.

As I said earlier, this Margaret Thatcher approach to solving unemployment simply changes the way one counts the figures. The Federal Government's integrated approach to welfare and labour market programs stands in stark

contrast to the mish-mash of policies announced by the Federal Liberal Party. In fact, it appears that the Liberal Party's industrial relations policies—which, by the way, have been rejected recently by most large employer groups—and its labour market policies are aimed at creating a large pool (indeed many thousands) of unemployed Australians who would be used as a tool of the wages policy. That is, poorly paid and poorly organised workers when dealing with unscrupulous employers at the enterprise level would be under the threat of accepting whatever the employers were offering or having their job taken by one of those who were unemployed and who would be glad to agree to the terms, conditions and wages as laid down by the unscrupulous employer.

The problems of poverty in Australia cannot be addressed by a political Party which assumes that the poor are to blame for their predicament, that the unemployed are to blame for being unemployed, and that single parents are all ripping off the system.

Poverty in this nation runs very much deeper than that. It is institutionalised to a degree that requires a concerted effort at the Federal, State and local government levels to overcome it. The Brotherhood of St Lawrence recently gave the Hawke Labor Government 7.5 out of 10 for its efforts to end child poverty in our nation, which is good, but what we must achieve and continue to strive for is 10 out of 10. Yet it appears that only the Australian Labor Party is prepared to make the commitment required to bring an end to poverty in this country. It is a shame (and I emphasise this) that the Federal Liberal Party has again decided to ignore the poor in favour of the wealthy in Australia.

In conclusion, I should like to say that the people of Australia will have a clear choice at the forthcoming Federal election between the Australian Labor Party and its commitment to social justice and a Liberal-National coalition which has seemed as yet unable to come to grips with the problem of poverty in our society.

In raising this issue this evening, I am convinced in my own humble mind that our children represent our greatest joy and that to our children we should hand on the kind of society into which I believe we would like to have them born—a society in which the aged are adequately cared for or can work with dignity and satisfaction, and in which the young can grow up without experiencing the traps of poverty.

I am convinced also that poverty can be solved if there is the will to succeed. Government action alone is not enough: everyone should contribute, particularly prominent members of our industrial community, and share the responsibility of this great effort. It is encouraging, therefore, to note the involvement of Mrs Holmes a Court in the launching of the book *Child Poverty* in recognition of the fact that we all have the responsibility to get rid of poverty.

There must be the will of the entire nation to solve child poverty, in particular, or we will have failed on the eve of the 21st century to build a better society and a really lucky country to hand on to our children. We should not, therefore, miss this opportunity to plan and work for the long-range future of this magnificent land of ours—a land which is just, where the country's natural resources are used for the good of all its people; a land where poverty and unemployment no longer haunt the people; and a land where people care for each other and where truly we can say, like the song, 'He ain't heavy, he's my brother.'

My final contribution tonight is that we should not rest on what has been achieved so far, but take up the new challenge and plan and move for a new Australia, which our children and their children will be proud to call their home.

**The Hon. CAROLYN PICKLES:** I support the motion. There are three areas in His Excellency's speech which I wish to address. I refer, first, to the Government's commitment to the development of a strong economy which emphasises the provision of jobs, and the continued encouragement of new industries to this State, with emphasis on high technology; secondly, to the continuation of education and training programs for young people to ensure that our work force is capable of taking full advantage of the changes in our industrial and commercial base; and, thirdly, to the Government's emphasis on community responses to crime prevention by way of the crime prevention strategy which was outlined by the Attorney-General in November last year.

These three areas are interlinked. We must continue to provide a strong economy to ensure that our young people have a future in which education and jobs are guaranteed. We must prepare our youth for a continually changing society and we must continue to ensure that our existing work force has the opportunity to retrain and gain new and more appropriate skills during its working lifetime. We must also, as a community, face the challenge that we are all responsible for each other. We cannot begin to tackle the challenge of a community response to social problems and crime prevention until we have all learnt to live together as a community.

Before I address these three areas, I would like to place on record the appreciation of the people of this State for the hard work of our retiring members of Parliament—the Hon. Roy Abbott, the Hon. Ron Payne, the Hon. Gavin Keneally, the Hon. Jack Slater, the Hon. Terry McRae, and Keith Plunkett. They have all served the Parliament and the people of this State well. Four of them were Ministers of the Crown; one served as Speaker in the House of Assembly, and one served as Chairman of the Public Works Committee of the Parliament. I wish them well in their retirement. There are five other former members who, through the democratic process of the election, are no longer with us: June Appleby, Phil Tyler, Di Gayler, Mike Duigan, and Derek Robertson. They were all enthusiastic, hard-working and dedicated members who served their electorates well. I will personally miss their friendship in the Caucus but, hopefully, they will continue to contribute, in different ways, their many talents to this State. I have no doubt that I will see all five of them back in the Caucus in the fullness of time.

While I accept the democratic process of the election, I wish to mention two areas in which I consider a very unscrupulous campaign was waged during the last State election. Derek Robertson, in particular, was the subject of a vicious personal attack by an extremist racist group. Posters were circulated carrying the name of the organisation which I believe is known as National Action. There is no place for this kind of campaign in Australian politics.

**The Hon. R.I. Lucas:** We agree with that.

**The Hon. CAROLYN PICKLES:** I hope that all Parties would denounce this type of gutter politics, and I am pleased to hear members of the Opposition agree with that sentiment. In the electorate of Hayward, the ALP candidate, June Appleby, was the subject of an attack upon her integrity in a pamphlet on abortion, authorised by one Dr Brian Sherman, P.O. Box 322, Edwardstown, S.A. for the Right to Life, S.A. Division Incorporated. Lies and innuendo were used in a disgusting pamphlet which was letter-boxed in the whole electorate. It seems that some groups will stoop to

this kind of smear tactic to try to win over their point of view. June Appleby has always made her views on abortion well known to those people who bothered to ask her. Those views are not as portrayed in this pamphlet, and I can only hope that the incoming member for that electorate will discourage this sort of activity while he serves the Parliament.

Another area of concern during the election was the action of a hard-core group within the volunteer section of St John Ambulance. Their activities on election day brought no credit to St John, and I hope that they have been condemned by that organisation for their actions. We all expect a difficult fight during an election campaign, but extremist racism and blatant lies should not be part of it.

As Parliamentarians, irrespective of our political Party, we are all vulnerable to smear campaigns. I was the subject of quite a bit of personal abuse when I introduced a private member's Bill some years ago. I was told by my colleagues this was the kind of vitriol I had to expect when dealing with anything controversial. We all expect this kind of attack but, when abuse is generated by hatred and venom, we must recognise that there is a rather sick element out there in the world.

I would like to take this opportunity to congratulate all those new MPs, both in my Party and in the Opposition, who have been newly elected to another place, and I wish them well during their years serving the Parliament.

I would now like to turn to elements of the Governor's address to Parliament. It is apparent from world-wide indication that Australia will be affected by some difficult economic and social times. We are no longer a country in isolation—our actions and those of the rest of the world are interrelated. More and more political decisions are being taken after international consultation, particularly in the area of the economy and the environment.

We often look for information to other countries that have social patterns which are more advanced than ours, and we also look to avoid the mistakes made by some other countries. So, to a large extent, we are not able to completely control our economic, or even our social direction.

There is no doubt that our economic future may be threatened by the uncertainty surrounding the future growth prospects of the United States economy, the developments in Eastern Europe and the outcome of the Federal election later this year. The persistence of a large United States payment deficit continues to be a danger to the stability of the world economy, but the relaxation of tension between the East and West and the mutual desire to cut military expenditure may prove an opportunity to reduce the deficit by more than was foreseen, even a few months ago. There will no doubt be substantial additional demands on international resources by countries of Eastern Europe, necessitating the assurance to developing countries that such demands would not involve any diversion of resources from their development needs. The world economy is expected to grow at a slightly slower rate in 1990 than in 1989, according to the Director-General of the General Agreement on Tariffs and Trade (GATT).

I am confident that a Federal Labor Government will be returned and will continue to deal with these difficult economic issues responsibly. There is no doubt that the political stability in this country will ensure that we are able to face a somewhat uncertain economic future with less trepidation than we would with the bungling economic policies of the Peacock (or will it be Howard or Hewson)-led Liberal Party. The South Australian Government has, since 1987, taken strides forward in internationalising its outlook. The Department of Industry, Trade and Technology (formerly the Department of State Development) has pursued Government policies to strengthen the State's economy by developing existing industry and by attracting new, local, national and foreign investment. This has been evident by the Government's input into, and rewards obtained from, the development of Technology Park and the Centre for Manufacturing, which has now become recognised internationally and is moving towards a self-funding status.

The Government's approach in this has been one of 'self-help'. Its role in industrial development has been one of creation and maintenance of a business environment which encourages growth. It has not been one of large scale intervention in industry. A major priority of the Department of Industry, Trade and Technology is the strengthening and broadening of our industrial base. To this end, South Australia is able to offer competitive advantages, some of which are low operating costs, outstanding industrial relations, skilled workforce, broad and sophisticated manufacturing base, high quality industrial infrastructure, low-spending and business-like Government and quality of life. As a result of all this, the Government has, in the past year or so, attracted 61 ventures worth $2.4 billion to the State and, more recently, another $2 billion worth of high technology defence work.

This growth is not only being generated by the establishment of a few big name companies; it is also coming from many small, entrepreneurial, specialised companies producing sophisticated and often unique technologies, for example, Sola Optical, which is a small company, manufacturing high-tech lenses. Technology Park was created to initiate this sort of development by providing an environment conducive to high-tech research, development and production. The State now has more than 500 companies involved in the production of a range of advanced technology projects and services. World class standards have been reached and are internationally acknowledged in all facets of technology, especially in defence electronics.

More specifically, our success in the attraction of the RAN submarine project and in gaining a substantial proportion of the Federal Government's Anzac ships project are of major significance to the development of new technology-based companies and industries in this State. The Anzac frigate project will provide enormous economic and employment potential for South Australia, including: approximately 1 400 permanent long-term jobs; at least $400 million worth of electronics and electrics work; $100 million worth of mechanical components and superstructure work; $1.5 billion of updates and refits through the 30-year life of the Frigate; and $20 million worth of special modules and sub-assemblies in Whyalla. Some of this work will require the creation of completely new enterprises. The Bofors/CSA joint venture has established a new company at Technology Park, which will employ 200 people. While I was in Sweden during the middle of last year, I had the opportunity to visit Bofors and was able to discuss with some of the company members the proposal to locate in South Australia. I must say that the people who have located here from Sweden have all settled very well and are enjoying life in this State and the opportunities which business offers them.

Pacific Marine Batteries, which won the contract to build the giant batteries for the new submarines, has announced that it will build its $5 million manufacturing plant at Osborne, opposite the Submarine Corporation site. Our recent impressive manufacturing performance has come from a balance of new industry and from successful revitalisation of our existing industries. The South Australian Government's priority is, as I mentioned before, to internationalise

our economy. We are working closely with South Australian companies to build trade and investment links in priority world markets. Particular focus has been placed in Europe, especially West Germany, the United Kingdom, Sweden and now France. In Asia, we are concentrating on Japan, South Korea, Thailand and Hong Kong. Growing interest has been generated in Europe from investment in South Australia for export to the Asia/Pacific region. Target markets in Asia are demonstrating significant trade and investment potential for the State.

We have overseas representative offices in London, Tokyo, Hong Hong, Singapore and Bangkok, which operate commercially to promote South Australian exports and to attract new investment. The Premier's trade and investment missions with South Australian business has proved very successful and has put our State firmly on the investment map with a growing stream of overseas business delegations examining our capabilities first-hand. However, some businesses will go under in uncertain economic times. In this area there is an obvious need for amalgamation to provide a larger capital structure for business to survive. Business must assume the task of innovation rather than stagnation. The Government has taken a positive and enthusiastic attitude to assist reindustrialisation of our State. The whingeing attitudes of the Opposition are not relevant and are positively dangerous if we are to try to attract interstate and overseas investment.

The Government, working with industry and the trade union movement, will continue its role of revitalising economic growth in the State. One of the effects of the rapid broadening of the South Australian industrial and service base has been to highlight the need for the State to expand the available skilled work force in line with increased activity. The Department of Industry, Trade and Technology has been attempting to lift the community perception of the manufacturing sector as a career base for young people. Through Manufacturing Week, now an annual event, and through the development of special links between schools and companies, old perceptions of smoke-stack industries are being replaced. The broad community is beginning to realise that modern management and production techniques can create attractive and challenging career opportunities.

The South Australian Government has taken up the issues of youth employment and education. We have been working with industry to maximise training programs and apprenticeships. The number of apprentices in the State has increased by almost 15 per cent in three years. The State Government is also a strong supporter of the Australian Traineeship Scheme, which has grown from 237 trainees in the three vocational areas in the first full year of operation in 1987, to 745 trainees in seven different vocational areas in 1989. The Minister of Employment and Further Education, Mike Rann, has stated recently that he is disappointed that South Australia has a poor record of apprenticeships for women, and I share that view.

Women account for fewer than 15 per cent of the total number of apprentices in training and, if we remove hairdressing from the figures, then fewer than 5 per cent of South Australia's apprentices are women. The Minister has called for a report on how to reduce this inbalance, but we are already setting targets for the participation of women in Government apprentice recruitment and sponsoring jointly with the Commonwealth Government an information and awareness program for young women in secondary schools. As an employer, the Government has improved its position, with the percentage of young women in Government apprenticeships rising from 7.6 per cent in 1986 to 11.8 per cent in 1989, but much more needs to be done.

In the past few years we have also seen an increase in the number of youth at school leaving age who choose to stay on and continue with education. In 1981 the number of South Australians aged between 16 and 24 participating in education was only 36 per cent. In 1989 South Australians aged 15 continuing with secondary education has risen to more than 60 per cent—the highest retention rate of any State. While Government can do much to promote education and training goals, the business sector especially needs to take a structured and more active role in specifying their expectations of both young people and the institutions which educate and train them.

Another need is to develop community understanding of the benefits of better education and training. Key factors in assisting young people to find access to employment is the provision of job experience, training and qualifications which are in demand, while at the same time providing general education and broad-based vocational training. The emphasis must be on increased flexibility and on providing an appropriate level and range of skills. To achieve these standards our education system is becoming more community and labour oriented.

Young people are primary candidates for unemployment. The latest unemployment figures show that, while there has been a decrease in youth unemployment figures (22.2 per cent to 17.6 per cent) in one calendar year, the figure is still unacceptably high. Unemployment affects young people at every level of education and in all social strata, although the worst effects are felt particularly by those already disadvantaged in our community. Unemployment has a destabilising effect on the initiative and confidence of youth and, therefore, on the social and political fabric of our society. Unfulfilled expectations and frustrations can lead to social dislocation, drug abuse and criminal activities. The tackling of this serious social issue must focus on responsible awareness and prevention.

Lack of social integration partly explains why crime rates are higher among teenagers and younger adults. The community has a responsibility to assist disadvantaged young people. If we are unwilling to accept that large amounts of money will have to be spent in the area of training, education and job creation, then we will have to accept that larger amounts of money will have to be spent to rehabilitate young people who resort to drugs, crime and anti-social behaviour because they feel isolated and worthless, having been rejected by our community. It is obviously healthier for any society to accept the former responsibility and attempt to prevent those factors which may lead to criminal activity.

In developing crime prevention measures, most western governments have tried to address all these types of causes—opportunity, catalysts to crime and, most difficult of all, underlying social problems—rather than focusing on just one area. Over the past two decades, South Australian initiatives have to some extent reflected a broader approach than solely concentrating on law enforcement. In dealing with young offenders, the Government has most clearly put emphasis on community-based rather than prison schemes. The basic philosophy is '(to protect) society from juvenile offending while at the same time helping children in trouble to grow into mature and law-abiding persons'.

Specific schemes where the Government has led the way, include the following: children's aid panels and screening panels; youth project centres; intensive neighbourhood care; and intensive personal supervision. These schemes seek to establish the reasons for offences, and provide assistance in overcoming obstacles to social integration. For example, youth project centres are for serious offenders as an alter-

native to detention. YPCs provide group and individual programs to help develop vocational, educational and recreational skills. These centres allow young people to maintain a normal life, including work and education, while providing intensive support and counselling.

A broader approach is being taken in South Australia's good behaviour strategy announced in August 1988. This is jointly funded by Community Welfare, the Education Department and the Health Commission and attempts to develop respect for law by helping the school and family instil relevant values. Since January 1989 social justice funds have also been used to implement a pilot youth support group in Adelaide's inner city. Six street workers are working closely with police to reduce the number of young people under 18 coming into formal contact with the justice system, and to identify 'street kids' at risk of exploitation and abuse.

South Australia should, now more than ever, draw on its capacity to innovate and adapt ideas. We have not flinched from confronting crime in the past, but must now find ways to get more from existing resources and turn greater attention to prevention. The attitude that crime prevention, as with employment strategies, is the sole responsibility of State and Federal Governments can no longer be accepted. It is a concern for the whole community.

The implementation of South Australia's new crime prevention strategy, 'Together against crime', initiated by the Attorney-General in November last year, is under way with the formation of the Coalition Against Crime. This committee will act as the Government's principal advisory body on crime problems and prevention issues and will ensure that the resources of the entire community are harnessed in the fight against crime. The membership of this committee reflects a broad community basis, including industry, church and community groups, youth and the aged, the Aboriginal community and specialist groups. Mr President, I seek leave to table in *Hansard* a document which states the membership of the Coalition Against Crime.

Leave granted.

MEMBERSHIP LIST—COALITION AGAINST CRIME

Mr D. Rathman, Director, Office of Aboriginal Affairs;
Ms Helga Kolbe, Education Department;
Mr G. Beltchev, Director, Department of Recreation and Sport;
Ms B. Webster, Director, Youth Affairs Division, Department of Employment and TAFE;
Mr M. Schultz, Chairman, Ethnic Affairs Commission;
Mr T. Marcus-Clarke, Group Managing Director, State Bank of South Australia;
Mr R. Whitrod, Chairperson, Victims of Crime Service;
Mr R. Kidney, Director, Offenders Aid and Rehabilitation Service;
Mr D. Hunt, Commissioner of Police;
Ms S. Vardon, Chief Executive Officer, Department for Community Welfare;
Mr K.L. Kelly, Chief Executive Officer, Attorney-General's Department;
Mr M.J. Dawes, Executive Officer, Department of Correctional Services;
Mr G. Byron, Director, Court Services Department;
Mr B. Lovegrove, Police Association of South Australia;
Ms D. Bills, Seaton Youth Project;
Ms J. Wood, South Australian Council of Churches;
Mr P. Dare, Chairperson, South Australian Unemployed Groups in Action;
Mr D. Henderson, State Manager, Commercial Union Insurance Co.;
Mr I. Yates, Director, South Australian Council on the Ageing;
Ms S. Key, Adelaide Central Mission;
Ms H. Disney, Chairperson, South Australian Council of Social Service;
Ms C. Barnett, Chairperson, Community and Neighbourhood Houses Association;
Mr K. Davey, Executive Officer, Youth Affairs Council of South Australia;
Mr J. Morphett, President Elect, Chamber of Commerce and Industry;
Mr P. Hall, Salisbury Council;
Mayor D. McDonald, Mount Gambier City Council;
Ms N. Cook, Riverland Women's Shelter;
Ms C. O'Loughlin, Director, Domestic Violence Prevention Unit, Department for Community Welfare;
Ms C. Treloar, Women's Adviser to the Premier, Department of Premier and Cabinet;
Ms M. Fallon, Director, Social Justice Unit, Department of Premier and Cabinet;
Mr L. Mell, Safety House Association;
Ms P. Becker, Administrator, Southern Area Women's and Children's Shelter;
Judge A. Wilson, South Australian Branch, Crime Prevention Council;
Ms R. Hammond, Head of Aboriginal Issues, Royal Commission into Aboriginal Deaths in Custody;
Ms R. Craddock, Vice-President, Neighbourhood Watch; and
Justice E.P. Mullighan, QC.

**The Hon. CAROLYN PICKLES:** Crime continues to soar in countries like the United States, which relies heavily on punishment, imprisonment and other conservative responses to crime. It is steadying or declining in those countries such as France and the Netherlands, which have opted for community-based alternatives. The Government is sincerely attempting to solve the problem, but it will require a concerted and cooperative effort from all concerned and this, I hope, might include a more bipartisan approach to crime prevention.

The Government has taken on the task in this new Parliament of pressing ahead with its economic reforms, encouraging industry to this State in order to ensure that our standard of living is maintained and that our young people have access to a sound education and a secure future. The Government can do only so much—business must also respond to the challenge. The Government will continue to provide an education system which will ensure that young people are well equipped to deal with a changing society. This Labor Government will also ensure that those in our community who are socially or economically disadvantaged have access to education opportunities which will assist them in obtaining employment. Government policies on community action against crime will prove a better deterrent and ultimate prevention than a more punitive system of justice. I support the motion.

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

## ADJOURNMENT

At 10.6 p.m. the Council adjourned until Thursday 15 February at 2.15 p.m.