LEGISLATIVE COUNCIL

Thursday 22 August 1991

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

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Cessation of sewage sludge disposal into the sea from Glenelg and Port Adelaide Sewage Treatment Works.

QUESTIONS

CHILDREN'S COURT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the Children's Court.

Leave granted.

The Hon. K.T. GRIFFIN: I understand that on 22 July the Attorney-General took to Cabinet a radical proposal to restructure the administration of juvenile justice, which, in part, provided that the Children's Court should assume responsibility for the enforcement of the penalties that it imposed. I am informed that the matter was referred by Cabinet to the Department for Family and Community Services for comment, because that department presently has responsibility for providing reports to the Children's Court on young offenders and for the handling of young offenders once sentence is passed, with the court having no further involvement with the offenders.

Judge Newman of the Children's Court has strong views on this matter, feeling that the court should assume total responsibility for young offenders, following the French system. I am informed that as a result of that matter being referred to the department, and the tension that the Attorney-General's proposal created, the Government decided to refer the whole issue to a select committee of the House of Assembly to try to defuse the issue.

Will the Attorney-General confirm that he is a proponent of Judge Newman's scheme, which gives all responsibility for young offenders to the Children's Court? If not, what is his preferred position? Will he acknowledge that, notwithstanding serious inadequacies in dealing with young offenders in the present system, transferring all responsibility to the Children's Court has a real potential for causing injustice and compromising the rights of children?

The Hon. C.J. SUMNER: The answers to the questions are 'No' and 'No'. This matter first arose last year when I made a speech to a youth and crime conference in Adelaide, in which I outlined what I saw as certain problems with the present method of dealing with juvenile offenders. In particular, I outlined in that speech concerns about dealing with recidivist offenders. It is generally acknowledged, not just in South Australia but in Australia and overseas, that the South Australian system has coped reasonably well with juvenile offending for the great majority of children who come before the children's correctional system. In particular, it is known that some 87 per cent of children who appear before screening or children's aid panels do not reappear before the Children's Court. On the face of it, that is a very satisfactory result, but what I was keen to identify in the speech that I made last year was the fact that the other 13 per cent tend to return to the Children's Court more often than they should, that there is a major problem with recidivist offenders.

The Government, as the honourable member knows, has already taken some action in this area. Legislation has passed this Parliament to broaden the sentencing options for the court, to provide that if a person is sentenced as an adult that person is sentenced according to adult principles. The honourable member supported those proposals, which include the capacity for larger numbers and different types of community service orders to be awarded. The provisions for that have been in place since 1 January this year and were further improved in April this year when we passed legislation to provide that whether or not a conviction had been recorded a community service order could be ordered.

To return to the history, after making that speech, Judge Newman put to me a proposal that he should travel overseas to a conference in Spain, where he had been invited to give a paper. I acceded to that request in the light of the concerns which I had outlined in that speech and of which he was aware. He visited Spain, the United Kingdom and France and, on his return, he prepared a paper which was in fact made public—if not the exact paper, the essence of his proposal was made public—in a journal late last year. He refined those proposals and put them to me, and I released those some two or three months ago, as I recall it, as a green paper.

His proposals did offer a radically different way of dealing with children. He was very impressed by the French system, where the judicial officer, magistrate or judge takes a greater ongoing responsibility for the care and treatment of the child after the sentence. Indeed, if the child reoffends, that child comes back before the same magistrate or judge, so there is a consistency in the treatment of that offender. I certainly believe that those proposals were worthy of consideration in the community, but it would be fair to say that not everyone agrees with the proposals of Judge Newman.

As a result of that, the matter was discussed in Cabinet. A number of papers were prepared that were supplementary to Judge Newman's paper, which I made public, and the view was eventually taken that the best way to resolve what are legitimate differences in points of view in this area would be to set up be a select committee of the Parliament, involving the major political Parties. I believe that it is important not to politicise this area, although, of course, it is in the Opposition's interests to politicise crime rates, and juvenile offending in particular, despite the fact that the Hon. Mr Griffin as Attorney-General presided in his three years over quite significant increases in crime rates, as he knows. He shakes his head, but he is wrong; I have seen the figures.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Even if I concede that, the fact is that, on this particular matter, Mr Griffin is wrong, because, irrespective of the ideology of the Government in power, in South Australia, in any State in Australia or overseas, the reality is that crime rates have increased in all the modern western industrialised nations, and the Government, in addition to providing significant resources to the police and the criminal justice system, has introduced what I believe is an important initiative—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the Together Against Crime Strategy of which members of the Opposition happen to be

members. We are pleased they are members of the coalition against crime, and we would hope they will give it their wholehearted, full and bipartisan support, because it deserves it. The one thing we do know about this area is that, if we just rely exclusively on the police, courts and correctional services to reduce the crime rate, we will not succeed. That is the experience throughout Australia and, indeed, throughout the western industrialised world. They are the facts and one particular aspect of offending is juvenile offending, which actually has not increased as a proportion of overall offending in the past 10 years. Of course, that is something that members opposite choose to ignore.

The proportion of juvenile offences as a proportion of the overall crime rate in the past 10 years has, in fact, for most categories of crime, come down. However, there are legitimate points of view as to how, if at all, to reform the juvenile justice system. Judge Newman's proposals are undoubtedly worthy of consideration as, indeed, are other proposals. The current system has been in place for some 10 or 11 years. It is timely that there be a review and, in my view, the proposal to have that review carried out by a select committee is desirable. It enables members on both sides of the Parliament to be involved in the formulation of proposals that can come back for consideration. I am not necessarily a proponent of Judge Newman's proposals; I think they are worthy of consideration.

In answer to the second question, I do not acknowledge that the transfer of all those powers to the Children's Court could be to the detriment of the rights of children, because that would depend on how it was done. However, there are some issues of principle that would have to be resolved if we were to go down the track proposed by Judge Newman, and it may well be a desirable track.

Of course, there are arguments in relation to the separation of powers, and the like, but it might be the sort of radical approach to sentencing practices in the judiciary in this State that may well be necessary. So, I certainly do not exclude the proposition, but important issues of principle are involved.

Finally, to resolve those problems, those legitimate points of view, I think the proposal for a select committee is a good one and I trust that the honourable member will participate by appearing before the committee and letting the committee have the benefit of his views on this topic.

TANDANYA

The Hon. DIANA LAIDLAW: My questions, which are directed to the Minister for the Arts and Cultural Heritage, relate to Tandanya. As it is now over five months since the Minister requested the Minister of Lands to appoint the Auditor-General to undertake an investigation into the financial affairs of Tandanya:

1. Has the Minister yet received a copy of the Auditor-General's final report?

2. If not, did the Minister and her department receive interim reports from the Auditor-General before determining the level of Government funds to be allocated to Tandanya this financial year?

3. Did Tandanya manage to make the necessary savings of, I think, $150 000 last financial year and end the year with a balanced budget?

4. When Mr George Lewkowicz's term as Administrator expires, which I understand is in the next few days, what arrangements have been made to ensure the orderly management of operations at Tandanya?

The Hon. ANNE LEVY: Quite a number of questions are included in that question from the honourable member. The Auditor-General was requested to make a report on Tandanya. I point out to the honourable member that he was not requested by me. Under the Auditor-General's Act, he is requested by the Minister of Lands, so the report he makes will, quite obviously, be to the Minister of Lands.

I understand that the Minister of Lands has not yet received a copy of a report from the Auditor-General. Certainly, I have not. So, if the Minister has received a report it would have been in the past day or so because I am sure she would have informed me of its contents as soon as she received it. I am not aware of any interim report being provided to the Minister. I am quite sure that, had there been an interim report, she would have informed me of it, and I have not had any indication from her of such an interim report.

This does not, of course, mean that the Auditor-General may not have been having discussions with people, including the board of Tandanya and others. But, certainly, there has been no interim report that I am aware of. However, I am happy to check with the Minister of Lands to see whether she has received an interim report.

As I understand it, Tandanya made considerable savings in the period from early February when Mr Lewkowich became its Acting Administrator. I certainly have not seen the final accounts for the financial year. I am not sure whether the audited accounts for the year are fully available yet but, as I understand it, Tandanya was able to complete the financial year satisfactorily, taking account of course of the advances that have been made to it from the Department of Arts and Cultural Heritage.

The honourable member mentioned that Mr Lewkowich will be leaving Tandanya in a week or so, but I think it may be two or three weeks before he departs. I am not aware of what arrangements the board may have made for when he departs. As I am sure the honourable member would be aware, Tandanya has advertised for a new director and a business manager. I understand that interviews have been taking place, but that no appointments have been announced at this stage. It may well be that appointments to one position or both those positions will be made before Mr Lewkowich leaves Tandanya, but I will certainly ask the board whether they have particular plans for that. I would expect that any interregnum would be a very short one, in view of the selection procedures being gone through for senior staff at Tandanya.

BETTER CITIES PROGRAM

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for Local Government Relations a question relating to what is known as the Better Cities Program.

Leave granted.

The Hon. J.C. IRWIN: The Federal Budget, announced the day before yesterday, suggested that local government will play an important part in an $816 million scheme to reshape major and regional Australian cities. I understand that this is suggested as part of a five year funding plan with $56 million being made available Australia-wide in 1991-92.

The Hon. Peter Dunn: It's not the loony left, is it?

The Hon. J.C. IRWIN: Well, that was their budget. The scheme will include: accelerated conversion of redundant industrial or institutional land for housing; reduced car use and car dependency through appropriate public transport,

road and parking prices; and increased housing density at the urban fringe and some other initiatives.

Local Government President, Alderman Plumridge, was quick to welcome the proposal. One is left wondering if the full Local Government Association and, indeed, the executive will be so positive when the full ramifications are known. For instance, the Adelaide City Council would hardly welcome a move away from cars, and in the present climate of negotiation with the Local Government Association what business is it of the Federal Government to tell local government how to spend whatever money is allocated to South Australian local government? This is backed by the Director of the South Australian Planning Review, Mr Michael Lennon. He said recently that he had advised the South Australian Government to decline to participate in the program because it amounted to nothing more than a cosmetic renaming of funds. He further said that the Better Cities Program is little more than a knee jerk reaction to a perceived and real political agenda rapidly looming on Governments at all levels.

Members interjecting:

The Hon. J.C. IRWIN: That is Michael Lennon, Chairman of the Planning Review. The initiatives announced yesterday seem to fly in the face of decentralisation and fly in the face of regional development, which is so abysmal in South Australia. Local government in South Australia has already failed to excite this State Government in allocating a higher priority to regional development. One other factor will not pass the Local Government Association without reaction—admittedly a split reaction for some are winners and some losers—and that is the South Australian Grants Commission allocations already made over the past five years under the horizontal equalisation calculations.

Grants per head of population have increased over a five year period including this year by 16 per cent in the same dollar terms, which is very negative in real dollar terms, highlighting the Federal Government's abysmal record of support for local government despite its greatly increased revenue over that period. The cities of South Australia, including some rural cities, have increased their grants by 20 per cent, over the period and rural councils by 10.9 per cent indicating grant money has already been redirected to the cities over the past five years.

As I am not aware of the Minister for Local Government Relations making any comments about the Federal budget, which was announced the other day, I ask these questions:

1. What is South Australia's share of the $56 million for 1991-92 under the Better Cities Program?

2. Is this new money, or as the budget suggests and Mr Lennon suggests, a reallocation of such things as road funding money, which is to fall $36 million in real terms in 1991-92?

3. Does the Minister support the return of tied grants to South Australian local government from the Federal Government?

The Hon. ANNE LEVY: The whole question of tied grants, as I am sure the honourable member knows, is the subject of detailed discussions at Premier and Prime Minister level. Numerous working parties are involved in these discussions. The matter will be a major topic of discussion at the Premiers Conference to be held in November this year. I also point out that the Australian Local Government Association is represented in all these discussions, and I am sure it will be putting forward the local government view for local government right around Australia when it comes to these discussions on tied grants.

As to the $56 million allocated this year, I am not aware of any carve-up between the different States. It may well be that this is being discussed with my colleague the Minister for Environment and Planning, as it would seem to me that the Better Cities Program relates far more to the portfolio responsibilities of the Minister for Environment and Planning than to the Minister for Local Government Relations. I will certainly take up that matter with her and bring back a response for the honourable member but, as I say, the whole question of tied grants is under active discussion between the States and local government at the moment. I am sure that local government is quite capable of looking after its own interests in these discussions without the State Parliament trying to tell it what is in its best interests.

CHEMICAL STORAGE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Emergency Services and the Minister of Labour in another place, a question about toxic chemical storage in Adelaide.

Leave granted.

The Hon. M.J. ELLIOTT: The explosions and fires involving toxic chemicals yesterday in Melbourne, and the subsequent noxious cloud of gas and smoke which blew across the city, have raised concerns in many people's minds about the possibility of a similar occurrence in Adelaide. While we do not have a chemical industry anywhere near the size of that in Victoria we do have many industries which either use toxic chemicals in bulk in their operations, produce toxic wastes, or have chemicals which when burnt will produce such wastes.

There are also hundreds of hardware stores in the city which stock various chemicals and, of course, many backyard sheds contain caches of left-over chemicals. These premises may, in the event of a fire, produce a toxic-soup gas cloud which could be quite dangerous. The State Disaster Committee Chairman is quoted in the newspaper today detailing the counter-disaster measures in place for Port Adelaide involving sirens and pamphlets.

I am aware that the Department of Labour keeps a register of licensed users of flammable, poisonous and corrosive liquids, but only those keeping quantities over 120 litres. Residents, particularly those living near industry in Port Adelaide, oil refinery to the south of the city or even hardware stores, want to know what the possible risks are to them in the event of fire and that those risks are limited as far as is possible. My questions to the Minister are:

1. Has a comprehensive inventory been compiled of the type and location of the toxic chemicals stored in Adelaide, including quantities less than 120 litres (or at least the probable locations of such)?

2. Are the emergency services aware of which businesses in Adelaide use and store toxic substances?

3. What is done to monitor the conditions under which the chemicals are stored and used?

The Hon. C.J. SUMNER: I will refer the honourable member's question to my colleague in another place and bring back a reply.

CENTRAL LINEN SERVICE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Emergency Services a question about the Central Linen Service.

Leave granted.

The Hon. R.I. LUCAS: I refer to an article in today's *News* headed 'Lethal needle hunt in laundry', which describes how South Australia's Central Linen Service has put in place equipment to identify lethal hospital needles in a daily laundry stack of 60 tonnes. What drew my attention, however, was the assertion—in Cornwallion form, I suppose—by the Cental Linen Service that it was the world's largest and most efficient laundry service.

Members interjecting:

The Hon. R.I. LUCAS: I thought that that was a typical Cornwall understated phrase. It stated that it was 'the world's largest and most efficient laundry service'. It made me wonder by what criteria the Central Linen Service was making these bold assertions, because I cannot imagine that the *News* would have inserted such comments without being provided with evidence from CLS, or so I am advised by the *News*. I gather from sources within the laundry trade that, while the Central Linen Service is big by Australian standards, it is questionable whether South Australia's Government laundry could claim to be the biggest and most efficient in the world. Certainly, people within the industry advise that they are aware of at least one laundry operation in Los Angeles and two operations in Germany that are much bigger than CLS's facilities.

Members interjecting:

The Hon. R.I. LUCAS: That's right. It only took two phone calls to find those three. In fact, I am even advised that the Hills Laundry in Western Australia, which is also a Government-run laundry, is also bigger than the Central Linen Service. The worry of the CLS shows that the Government over the years has written off borrowings by the CLS of $7 million, while a further $734 000 in loan repayment over a period of years has also been rolled over.

It is hard to determine the current efficiency of the Central Linen Service because last year's Auditor-General's Report contained but a brief entry on the CLS. The entry said in part that:

> Documents supporting the [financial] information detailed in those financial statements are currently being held by the South Australian Police Department. While my officers have access to these documents, the method in which they are filed had inhibited the audit process.

To my knowledge no supplementary report into the CLS has been presented to the Parliament by the Auditor-General, so we still appear to be in the dark about CLS's current efficiency or otherwise. Whilst I would not want to prejudge the viability of the CLS, such comments as those to which I referred in the Auditor-General's Report certainly do not inspire confidence in the statement that the CLS is in some way the world's most efficient laundry, particularly as its operations are not open to public scrutiny at the same time as other Government operations.

Is the Minister aware of the claims being made by the Central Linen Service in relation to its being the world's largest and most efficient laundry service? Does she believe that those claims have any credibility? If she does not, will she inquire as to who is responsible for attempting to hoodwink the public?

The Hon. ANNE LEVY: The Central Linen Service is not the responsibility of the Minister of State Services. It comes under the health portfolio, so I shall refer the honourable member's question to my colleague the Minister of Health and bring back a reply.

WORKERS COMPENSATION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Small Business a question about workers compensation.

Leave granted.

The Hon. L.H. DAVIS: I opened the *Advertiser* this morning, and at page 20 I was confronted with the headline, 'Don't do it, John.' I was not sure what this meant, and on further reading I discovered that 'John' was the Hon. John Bannon, Premier of South Australia, and that the people urging him not to do it were 14 unions, all closely allied to the Labor Party. It was a change, I thought, for the unions who drive and fund the Labor Party to be telling John not to do it. What was it that John should not do? The 14 unions have spent $5 000 on an advertisement in the *Advertiser,* telling John not to do something. They did not ring him and say, 'Can we come around and see you for a free consultation?' They had spent $5 000 on a full-page advertisement on page 20 of the *Advertiser,* telling John not to do it. The 'it' was not to do something with respect to workers compensation; the 'it' was that the Premier should not tamper 'with the most generous workers compensation scheme not only in Australia but arguably in the world'.

Members interjecting:

The Hon. L.H. DAVIS: I thought honourable members would enjoy that. They came in right on cue.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: This $5 000 advertisement said that it was 'time to stop appeasing the self-serving demands of employers'—a rather strange statement considering that workers compensation premiums in South Australia are by far the highest of any State in Australia. The ad further states, 'We will fight to keep the system'. 'That is the bottom line', warns the ad. Furthermore, it says, 'We urge you now [in very bold letters] to stop the compo cuts'—a bit of alliteration to end the advertisement.

The advertisement advises that there will be a rally to stop the compo cuts on Friday 23 August at 12.30 p.m. at the WorkCover building: a bit curious that they are rallying in front of the WorkCover building, because it is not WorkCover's fault that this legislation makes it the most expensive WorkCover scheme in the world. Why are the unions not rallying in front of the Premier's office?

My question to the Minister—the Minister of Small Business I remind honourable members—is: as the Minister of Small Business must by now be aware of the unprecedented hurt and suffering of small business in South Australia, undoubtedly the worst since the great depression of the 1930s, does she support the union demands to stop the compo cuts, or will she support small business, which is suffering from the highest workers compensation premiums in Australia? Does she support the union demands on page 20 of this mornings *Advertiser:* yes or no?

The Hon. BARBARA WIESE: One does not need to be a Rhodes Scholar to work out that the trade union movement has rather different views on the question of the workers compensation legislation than does the business community. As I indicated in this place yesterday, currently discussions and negotiations are taking place between the relevant interested parties on the question of workers compensation with a view to having a system that is in the best interests of the State, the interests of both workers and the business community. I have already indicated on previous occasions that I am very well aware of the complaints being made by people in the business community about the issue.

I have also made it clear that I have raised those issues with the appropriate Minister and with other Ministers in Government as and when those issues have been raised with me, and these and other matters are the basis of discussion and negotiations that are currently taking place. As I indicated yesterday in response to a very similar ques-

tion from the honourable member, I hope that these matters can be resolved in the very near future in the interests of all parties.

The Hon. L.H. DAVIS: I ask a supplementary question: will the Minister give a public undertaking that she will fight for small business to reduce the burden of workers compensation that currently exists in South Australia?

The Hon. BARBARA WIESE: I have clearly indicated that I have raised the issues of concern to small business in the appropriate forums of Government and that these matters are being considered in the appropriate places in order that a system that is in the best interests of all parties can be arrived at. It is not possible to develop a system that is entirely satisfactory to small business and to the trade union movement. The business of Government is to try to strike a balance between the respective views and interests of these organisations in order to develop a system that is fair and reasonable to all parties.

ENTERTAINMENT CENTRE

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about seating at the Adelaide Entertainment Centre.

Leave granted.

The Hon. I. GILFILLAN: Promoters do not receive any money for tickets sold through the corporate boxes at the Adelaide Entertainment Centre. As a result, I am told by those promoters that Adelaide will continue to miss out on a number of major international acts. Many big-name international acts have contracts stating that performers must receive a percentage of every ticket sold at the venue. Adelaide has long suffered from entertainment isolation imposed on it by many of the big names in the world of international entertainment. Traditionally. this isolation has been the result of what until recently has been the lack of a suitable venue with a large crowd capacity. The State Government finally came to the party and funded the building of a 12 000-seat capacity entertainment centre, recently opened by the Premier, with great aplomb—I was there and watched him from behind.

The Hon. R.I. Lucas: And fanfare.

The Hon. L.H. Davis: And with trumpets.

The Hon. I. GILFILLAN: Yes, and the trumpets. It was actually the most breathtaking feature of the evening's entertainment.

The Hon. R.I. Lucas: Were you there?

The Hon. I. GILFILLAN: Yes, I was sitting right behind the Premier. I saw his back view.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: He looks better, and sounds the same back or front.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: But it featured the iceskating talents of Torvill and Dean—

The Hon. ANNE LEVY: Mr President, I rise on a point of order. Standing Orders state that no reflections may be made on members of this Council or the other place.

The PRESIDENT: I do not think I can take that as a point of order. The reflection was that Mr Gilfillan said he was standing behind the Premier and that he heard him just as well standing behind as in front. So, evidently, the speakers were rigged that way. The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: We have been promised by the Government that no more will Adelaide be bypassed by major international acts and and that our young people in particular can expect to see the biggest and best rock bands and other performers in coming years. But those working within the entertainment promotion business claim that Adelaide will still be bypassed by a number of performers in the coming months, due to the corporate box setup at the centre, which cuts across the allocation of a percentage of seating held going to the promoters.

Adelaide's centre has been designed to incorporate 41 boxes; the best seats in the house. The average seating capacity of the boxes is 17, with some variation from 16 to 22 for a few of the boxes, but, overall, corporate seating capacity is set at 770 people. The Premier has his own private box, and I mean no reflection on the Premier by that. Many other people have their own private boxes as well, as does the Grand Prix Board. Two other boxes have been converted to office space to cope with an office space design fault.

Of the remaining 37 boxes, only 12 have been sold in the past year at a cost of $42 000 each, and there is little or no interest for any of the remaining boxes. The expected income from corporate boxes was in excess of $1.5 millin annually, with a minimum three-year lease. The original intention was that this money would be used to pay off the debt incurred in building the multi-million centre.

Members interjecting:

The PRESIDENT: Order! There is too much conversation.

The Hon. I. GILFILLAN: However, it is now likely that the income will be reduced to $504 000 annually, a loss of around $1 million a year, and it seems that without all the boxes sold there is little chance that this scheme will be effective in paying off the centre's debt. So, despite the promise of ending our entertainment isolation, we will indeed see many of the big names of entertainment in future months shunning Adelaide once more. Finally, as a result of unsold boxes, when performances are held at the centre many of the best seats in the house will remain empty.

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: I am not sure whether the Attorney is offering to shout the Democrats a corporate box. We would be very happy to take it up if he wanted to.

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: That is exactly the preferred course, as the Attorney will hear as he listens to my questions to the Minister who is responsible for introducing arts and entertainment in this State.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: My questions to the Minister are:

1. Does the Minister agree that the Arts portfolio encompasses all theatrical entertainment that comes to Adelaide and that therefore this is in her area of ministerial responsibility?

2. Will the Minister urge that the corporate box structure at the centre be disbanded and allow the 770 prime seats to be generally available to the ticket buying public?

3. If she is unsuccessful in abolishing the corporate structure, what will she do to ensure that major international acts are not lost to Adelaide audiences in the future?

The Hon. ANNE LEVY: The Adelaide Entertainment Centre is being run by the Grand Prix Board, as I am sure the honourable member knows. The Minister responsible for the Grand Prix Board is the Premier, not me, so I will

refer the honourable member's question to the Minister responsible, that is, the Premier. However, I would like to point out to the honourable member that to say that top names will not be performing at the Adelaide Entertainment Centre is sheer rubbish. I am sure many members would be aware that Jose Carreras will be performing at the Adelaide Entertainment Centre in approximately three months time. He is one of the biggest names in the world and was appreciated by many members of this Parliament, plus hundreds of thousands of other South Australians, on television only last night.

The Hon. I. GILFILLAN: As a supplementary question, I just remind the Minister that I did ask her specifically whether she believed her ministerial portfolio embraced all theatrical entertainment in this State. If her answer to that is yes, how is it that she is not responsible for the entertainment that is provided at the Entertainment Centre?

The Hon. ANNE LEVY: Certainly, I am not responsible for every theatrical or entertainment performance that takes place in South Australia.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. There are too many interjections and conversations.

The Hon. ANNE LEVY: I am very surprised indeed that the Hon. Mr Gilfillan or any member of the Opposition would suggest that the Government runs all entertainment or has responsibility for it. There is a private sector in this State in entertainment as in many other areas, and the Opposition and the Hon. Mr Gilfillan would be the first people to say that the Government should not be interfering in the private sector. I have no intention whatsoever of interfering with the private sector with regard to arts and entertainment.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order. If he wants to ask a question he is at liberty to do so, but he will come to order. The Hon. Mr Dunn.

ROAD BLACK SPOTS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about the South Australian black spot package.

Leave granted.

The Hon. PETER DUNN: The Bannon Government has introduced the Federal Government's black spot package into South Australia which, fundamentally, is a handout of $11.9 million to South Australia if the Government agrees to do a number of things, including reducing the drink driving limit, which has been introduced, the fitting of speed limiters to trucks, the reduction in the speed limit from 110 km/h to 100 km/h, and the compulsory wearing of safety helmets. This program was to identify a number of black spots. I understand that there are 60 of them in South Australia and that the money is to be spent on those 60 spots over a period of two years.

At the moment, only seven spots appear to have been identified in this State, and they all appear in the one area. The information I have received from the Department of Transport so far is that those spots occur in Unley, Mitcham, Happy Valley and Burnside. I wonder whether the Minister could tell us where are the 60 black spots in South Australia, how much of the $11.9 million is to be spent on black spots in the metropolitan area and how much is to be spent in the rural black spot areas?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

HEPATITIS B

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question on the subject of hepatitis B immunisation.

Leave granted.

The Hon. BERNICE PFITZNER: There are 300 million cases of hepatitis B in the world and Australia has 250 000 cases. There are 22 000 new cases per year in Australia. The prevalence is 27 per cent in Aborigines, 15 per cent in Asians, 5 per cent in people from Mediterranean areas and 0.2 per cent in Australian Caucasians. These statistics were obtained from the immunisation conference in Canberra approximately two or three months ago. The disease is ten times more infectious than AIDS and is contracted through body fluids in a similar manner as AIDS is contracted. Although it is not uniformly fatal, as is AIDS, 20 per cent of cases with hepatitis B will die from liver cancer or chronic liver disease.

We are now able to immunise fully against hepatitis B; however, the three doses are relatively expensive and they are done at intervals of a month and six months. There has been a program to immunise all Aborigines in South Australia; however, this program ceased two years ago, due to lack of Federal funds. The Asians in the community ought also to be considered, but no definite follow-up program has been initiated from the relevant hospitals of the Queen Elizabeth or the Lyell McEwin in their neo-natal wards. No definite program is offered in prisons; no program is offered to intravenous drug users nor to people whose sexual practices put them at high risk of the disease. My questions are:

1. Why has the Government not initiated through the Health Commission a definite and continuing immunisation program that targets those high risk and high prevalence groups?
2. As hepatitis B is a notifiable disease, as is AIDS, will the Minister, through the South Australian Health Commission and the Institute of Medical and Veterinary Science, ensure that comprehensive statistics are collected in order that frequencies and patterns of infections are documented and available for policy decisions, if necessary?
3. What ongoing education in hepatitis B is being done by the Health Commission or other Government agencies?
4. Why is the pamphlet for the community on hepatitis B reproduced by the Health Commission and produced by the Western Australian Health Commission regarding individuals recommended for vaccination at variance with the latest recommendations in a manual put out by the National Health and Medical Research Council?

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

GAMING MACHINES

The Hon. J.F. STEFANI: My questions, which are directed to the Attorney-General, representing the Treasurer, Mr Bannon, relate to the video gaming machines recently installed at the casino. Will the Government advise where the machines were manufactured and what is the name of the manufacturer? Are any licence fees, royalties or any other payments of any description payable on these

machines to any party and, if so, who are the parties receiving such payments?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

HOSPITAL CHARGES

The Hon. R.J. RITSON: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister of Health, a question about a question I asked yesterday relating to hospital charges.

Leave granted.

The Hon. R.J. RITSON: Yesterday I asked a question that centred on whether the South Australian Government intended making a charge for outpatient and general practitioner-type services rendered by Government institutions such as casualty departments. I noticed on a late night television broadcast of Question Time in the Federal Parliament that Minister Howe was asked essentially the same question, and he finagled. He was asked whether there was a statutory bar to the charging of such fees. This raises the question whether these departments, which already have waiting times of two or three hours, will be further stressed and distressed by a cross-flow of general practitioner patients to them if there is a different cost to the patient between private and public care. Minister Howe indicated that this was a matter for discussion between the State Health Ministers and the Federal Government.

For heaven's sake, if this were being put together at all competently, such discussions should have occurred long ago and a policy should have been known by those Ministers now. Through his representative in this Council, I ask Minister Hopgood why he is so silent and so invisible on a matter that should have long since been understood and determined? Where is the Minister?

The Hon. BARBARA WIESE: I understand that the Minister of Health is, in fact, making a statement about this matter today. Therefore, I can only refer the honourable member to that statement and, hopefully, the questions that he wants answered will be contained therein.

JUSTICE INFORMATION SYSTEM

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the Justice Information System.

Leave granted.

The Hon. K.T. GRIFFIN: Yesterday the Attorney-General made a ministerial statement on the subject of the Justice Information System and provided answers to questions I raised on Tuesday. However, the statement made yesterday raises some further questions. In part, the ministerial statement says:

> 2. JIS specifically uses the Government's information privacy principles as its code. It also has its own internal guidelines which have been developed from those privacy principles. In addition, JIS is currently reviewing its security and privacy provisions against the United Kingdom's Data Protection Act to ensure that the provisions in this Act can be met by JIS if similar legislation is introduced in South Australia.

The Attorney-General also said that the JIS has its own Security Committee. My questions to the Attorney-General are:

1. Does the Government intend to introduced legislation similar to the UK Data Protection Act? If not, why should resources be expended in seeing if the JIS can comply with the UK Act?

2. Will the Attorney-General provide the Council with details of the personnel on the JIS Security Committee and details of its terms of reference?

The Hon. C.J. SUMNER: The answer to the first question is 'No'. However, as the honourable member knows, a select committee of the Lower House has recommended that a right to privacy be introduced. I would expect that that legislation, if passed by the Parliament, would undoubtedly be of considerable significance in this area. I have no problem with resources being spent on this topic, because people are concerned about privacy. I have no worries with the JIS spending time to ensure that it has an acceptable privacy regime. I do not imagine there is any problem with the second question, but I will have to take it on notice.

TOURISM SOUTH AUSTRALIA MARKETING MANAGER

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Tourism a question about the TSA marketing manager.

Leave granted.

The Hon. DIANA LAIDLAW: Tourism has been targeted by the Government as a strategic industry for the State's future, and rightly so. One of the keys to the success of the industry will be TSA's level of success in marketing South Australia as a tourist destination. Therefore, I was interested to note in June this year, six months after the position became vacant, that TSA had appointed a new general manager for marketing, Mr Roger Phillips, on a five year contract. The June issue of *Industry Brief*, a TSA publication, notes that Mr Phillips was previously the General Manager, Marketing, of the Melbourne Tourism Authority.

Further, the June-July issue of *Travel News Australia* contains the following endorsement of Mr Phillips by the Managing Director of TSA, Mr Bob Nichols:

> Roger will bring a diverse range of skills and experience to the position and a proven record of achievement in marketing, senior management and leadership.

I ask the Minister:

1. Can she confirm that Mr Phillips ever held the position of General Manager, Marketing, of the Melbourne Tourism Authority?

2. Is she aware, and if not will she ascertain, whether or not the selection panel made a reference check with Mr Phillips's previous employers in the tourism industry in Melbourne prior to his appointment as TSA's General Manager for marketing?

The Hon. BARBARA WIESE: It is some time since I looked at the documents that relate to the appointment of Mr Phillips to this position, but I certainly recall that there were references from people who had worked with him in the tourism industry in Victoria. I believe that at least one of those references was from someone in the Melbourne Tourist Authority. Certainly, there were recommendations from people within the Victorian Tourist Commission who had worked with him on various projects over a period of time.

I cannot recall exactly what position Mr Phillips held at the Melbourne Tourist Authority. As I said, it is some months since I looked at any reports on this matter. However, as far as I am aware, Mr Phillips held a position at the Melbourne Tourist Authority and his *bona fides* were checked very carefully by the selection panel, which eventually came to the conclusion that he was, by far, the most appropriate candidate for the position. I am very surprised that his credentials are now being questioned in this way. I must say that since his appointment I have found that Mr

Phillips has fitted into his position very quickly. He has taken up the challenge that is, indeed, enormous, and I suspect that during the term of his employment Tourism South Australia's marketing efforts will be considerably enhanced.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 21 August. Page 374.)

The Hon. K.T. GRIFFIN: I take this opportunity of thanking Her Excellency the Governor for the address with which she opened State Parliament. I also take the opportunity to reaffirm my loyalty to the Queen as the Queen of Australia. I indicate that I am pleased to be able to support the motion before us.

During the course of my contribution to the Address in Reply debate, I want to explore three proposals which potentially pose serious threats for democracy in Australia. First, at the Commonwealth level, there is the proposed ban on political advertising on radio and television which, until the past week or so, was proposed to extend throughout the period from election to election but which is now being proposed to be reduced in the immediate pre-election period, a period which relates not only to Federal elections but also to State and local government elections.

The second issue is the prospective privacy legislation recommended by a select committee in the House of Assembly. The third issue is the proposal in Queensland, New South Wales and Victoria to adopt some changes to defamation laws, particularly in relation to the defence which a person who publishes a defamatory statement may establish to avoid civil consequences for publishing such statement.

In the proposition agreed to, as I understand it, by those three States, rather than truth being a sole defence to a publication of a defamatory statement, the proposal is also to require a defendant to establish that the defamatory statement not only was true but also was not an unwarranted breach of personal privacy.

These three areas relate particularly to freedom of speech but, more particularly, to the general subject of freedom of the press. I should say from the outset that, in relation to the ban on political advertising, the Liberal Party's view is fairly well known. In relation to the other two matters, the Liberal Party's view is yet to be determined, so what I present in relation to those two matters are personal views and concerns about the prospect of those pieces of legislation being enacted.

I suppose that we have all taken for granted for such a long period of time that a democratic society depends upon a number of freedoms and liberties: freedom of speech; freedom of association; freedom to practise religion; freedom of the press; the rule of law; independent judiciary; freely elected Legislatures; and the executive arm of Government responsible to the elected representatives.

But, obviously, there is in other places around the world not such ready recognition that those rights and freedoms must be protected if a society is to be democratic. I suppose that, if one can make an aside about the events in the past few days, one can see the marked change that has occurred in the Soviet Union from a period of many years of significant repression, where there was not freedom of speech or freedom of the press and where the press was used to manipulate rather than present differing points of view. In the past 12 months in those countries, there has been a significant relaxation of the tyranny which previously existed. The right to free speech and freedom of the press has been growing significantly in those countries, and I would suggest that it was very largely as a result of those developments that such mass outpourings of support for those freedoms resulted, ultimately, in the coup leaders realising that they could not turn back the clock to the days of repression and tyranny.

Of course, the other interesting point to note is that, in the past few days, the coup leaders rushed to grab the television and radio outlets, recognising that he who controls the media controls the people, or so it seemed. Of course, it recognised the need for powerful means of communication.

The point at which I want to commence a brief consideration of the issue of freedom of speech and freedom of the press is the International Covenant on Civil and Political Rights which is now a schedule to the Commonwealth Human Rights and Equal Opportunity Commission Act and to which Australia is a signatory. For the purposes of this contribution, the relevant article is 19, which reads as follows:

> 1. Everyone shall have the right to hold opinions without interference.
> 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
> 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
> *(a)* for respect of the rights or reputations of others;
> *(b)* for the protection of national security or of public order or of public health or morals.

Whilst the basic principle is, in some way, to be subject to the restrictions set out in article 19, one must recognise that the sorts of proposals being promoted in Australia at the present time do not, I would suggest, satisfy the exceptions noted in article 19.

The Hon. C.J. Sumner: You're quite wrong.

The Hon. K.T. GRIFFIN: That's nonsense.

The Hon. C.J. Sumner: You are.

The Hon. K.T. GRIFFIN: I'm not wrong.

The Hon. C.J. Sumner: You are wrong.

The Hon. K.T. GRIFFIN: Well, you join the debate later, then.

The Hon. C.J. Sumner: You obviously haven't done your homework.

The Hon. K.T. GRIFFIN: I have done my homework. You're just peddling a political line. At the same time, I think it is important also to note article 19 of the Universal Declaration of Human Rights which was passed in December 1948 and which provides:

> Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In that context one can note that the theme running through that is the right to exchange opinions, points of view and to seek for truth. If one looks at some of the history of the development of rights and freedoms, one could even go back as far as Socrates in 399 BC, when he phrased the never ending quest for truth to his fellow Athenians in the following words:

> ... In me you have a stimulating critic, persistently urging you with persuasion and reproaches, persistently testing your opinion and trying to show you that you are really ignorant of what you suppose you know. Daily discussions of the matters about which

you hear me conversing is the highest good for man. Life that is not tested by such discussion is not worth living.

That statement was made before he was obliged to take the hemlock as a result of false allegations made against him and the judgment of his peers. Somewhat later, in 1859, John Stuart Mill wrote in his essay *On Liberty* the following:

The time, it is to be hoped, is gone by when any defense would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them and determine what doctrine or what arguments they shall be allowed to hear . . .

Were an opinion a personal possession of no value except to the owner, if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation—those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error.

That statement, along with the statement of Socrates, is as relevant today as it was in the days when those statements were made. Therefore, in that context I want to examine briefly the three issues to which I have previously referred, that is, the proposal for political advertising bones, the proposals being debated for privacy legislation and proposed changes to defamation law.

At the Commonwealth level the issue relates to the right of any person or group to promote a point of view, whether it be immediately before an election or at any time prior, by the use of any of the media that might be available, whether it is print, radio, television or otherwise. The proposal at Commonwealth level is that all political advertising on television and radio be banned. The Law Council of Australia, which in its membership represents people of all political persuasions and a lot with none, makes the following observations on the Federal Government's proposal:

The Bill represents a serious attack upon the principle of freedom of speech. This principle is too often taken lightly. It is an essential element of a democratic society, one of those matters taken for granted until it is gone. While it is recognised that the right is not absolute, restrictions should only be imposed where necessary and provided for by law. The Bill does not appear desirable in its current form. The President of the Law Council of Australia, Alex Chernov QC, summarised the position as well as anyone when he stated on 23 March that it is a retrograde step that any means of communication should be closed. It is particularly undesirable that two of the most widely accepted and used media in a modern and free society should be subject to the ban.

It is interesting to note that what the Federal Government proposal seeks is to include in its ban any material containing an expression or implied reference to or comment on any issue submitted or likely to be submitted or otherwise before electors in such an election. It will extend not only to advertisements submitted by political Parties or by candidates but by any interest group or member of the community.

The sanction against broadcasters who happen to run such advertisements is that the breach will be a relevant factor in any renewal hearing for their licence. The Federal Government claims that there are two main reasons for the proposed ban. One is that the pressure of funding election advertising has potential for abuse and corruption and, secondly, that the ban will provide a level playing field for those involved in the electoral process.

The first argument is immediately shown to be flawed, because there is to be no ban on print media advertising. Candidates, political Parties and interest groups will be free to spend as much as they like in relation to posters, pamphlets, mail—direct mail, particularly—and newspapers, so the demands for funding will remain. In that context the political playing field is not to be levelled because individuals and groups, particularly the smaller groups, would still have the same difficulty as at present in trying to match the print media or the direct mail campaigns of the larger political Parties.

There is no doubt that the pressure put on the Federal Government in the period since the proposal was announced has caused it to limit the proposed ban significantly, but that nevertheless is still objectionable in my view. The ban will restrict absolutely during the pre-election period those who wish to put a point of view. It will obviously disadvantage those who have restricted access to the print media, those who may be sight impaired, those who may not be able to read, including either the illiterate or the partially illiterate, those who have language difficulties, and those who may be in locations not served by the newspaper on a daily basis.

It should also be noted in passing that the Human Rights Commissioner raised objections to the proposal in the early stages. There is no doubt, I submit, that any proposal to ban advertising that might have even a remotely political flavour is an attempt to stifle debate or the expression of opinions and must be resisted.

I turn now to the proposed privacy legislation. It is a prospective piece of legislation which must be examined carefully. On this occasion, I focus only on that aspect of the Bill relating to the right of privacy so far as it relates to intrusion by the press. In the draft Bill attached to the select committee's report the tort of privacy is created. The right of privacy is infringed if a person intentionally intrudes on the other's personal or business affairs in any of a number of ways: by keeping another person under observation, (whether that be clandestine or open); by listening to conversations to which the other is a party (and that listening may also be clandestine or open); by intercepting communications to which the other is a party; by recording acts, images or words of the other; by examining or making copies of private correspondence, records or confidential business correspondence or records of the other; by obtaining confidential information as to the other's personal or business affairs; by keeping records of the other's personal or business affairs; or by publishing information about the other's personal or business affairs, visual images of the other, words spoken by or sounds produced by the other, private correspondence to which the other is a party or extracts from such correspondence; and, the intrusion is, in the circumstances of the case substantial and unreasonable. There is a defence, and the one of particular relevance was that the infringement was justified in the public interest.

In determining whether such infringement of a right of privacy was justified in the public interest, a court is to have regard to any material relevant to that issue published by State or Federal authorities established in Australia to protect privacy. It is obvious that, whilst one can make criticism of the press—

The Hon. C.J. Sumner: You'd better read the evidence of what victims of crime put up with.

The Hon. K.T. GRIFFIN: I have read the evidence. Whilst one can make criticism of the press for intrusions of what they regard as personal privacy, nevertheless that is not an issue that I suggest can be easily dealt with by an all-embracing piece of legislation as is proposed by this Bill. It is very difficult sometimes to draw the line between what might be an intrusion on personal or business affairs and to make a judgment as to what might be in the public interest.

An editor faced with a report, photograph or television pictures which might be construed to infringe the right of privacy will be required to judge whether or not, if the publication occurs, the infringement is justified in the public interest. In a sense a reversal of the onus is placed upon editors on a day-to-day, hour-to-hour, minute-to-minute basis in determining what is justified in the public interest and to be prepared to run the gauntlet of litigation to establish whether or not it was so justified and, if not, to run the risk of an award of damages. That could well result in a timidity in taking the chance in publishing when in fact, ultimately, it may have been in the public interest for publication to occur, particularly if it is part of a series of pieces of information which individually may be regarded as a breach of privacy or an intrusion on personal or business affairs and not separately justified as being in the public interest but which as a whole may be.

Whilst the select committee found that this would not impede the press from investigative journalism, I suggest that that is not a correct conclusion and that it is likely to be a significant impediment to investigative journalism. A variety of public issues, affecting not only Governments but also the non-government sector, if faced with this legislation, will not be published.

In addition, the power exists for a Government, by regulation, to lay down standards for the protection of privacy to be observed by journalists and others who collect information for publication by radio, television or in printed form and by publishers of information by radio, television or in a printed form. A number of authors over time have made an observation about such legislative proscription.

The Hon. C.J. Sumner: A number have supported it, too.

The Hon. K.T. GRIFFIN: A number have supported it.

The Hon. C.J. Sumner: You are being very selective in your approach to this debate.

The Hon. K.T. GRIFFIN: You will have a chance to reply.

The Hon. C.J. Sumner: Why don't you put both sides of the story?

The Hon. K.T. GRIFFIN: I am putting both sides of the story, if you listen.

The Hon. C.J. Sumner: You are not.

The PRESIDENT: Order! The Attorney-General can reply in the debate.

The Hon. C.J. Sumner: He's read out the articles that suit his argument. He hasn't dealt with the one after that.

The Hon. K.T. GRIFFIN: You can deal with them. Anyone who reads the select committee report will see that people have differing viewpoints, but there is nothing in the evidence so compelling as to form the basis for this legislation. The select committee is seeking to provide for an all-embracing piece of legislation to deal with bad cases. We know that bad cases make bad law and the difficulty one has is that, if one enacts a broad, all-embracing piece of legislation to deal with those bad cases, ultimately it will result in a restriction of the freedom of some people. I suggest that in a society such as ours we must very cautiously move to enact such legislation to restrict not only the freedom of the press but also the freedom of speech.

The Hon. C.J. Sumner: What about the right to privacy in the International Covenant of Civil and Political Rights?

The Hon. K.T. GRIFFIN: I am dealing not with the right to privacy but with the freedom of expression and freedom of speech.

The Hon. C.J. Sumner: They are related.

The Hon. K.T. GRIFFIN: They may be related in some respects. Of course people have the right to privacy, but that does not mean that one should provide an all-embracing law that will end up stifling debate.

The Hon. C.J. Sumner: It will not.

The Hon. K.T. GRIFFIN: It will.

The Hon. C.J. Sumner: The honourable member is just trying to curry favour with the media.

The Hon. K.T. GRIFFIN: I am not trying to curry favour with the media.

The Hon. C.J. Sumner: Of course you are.

The Hon. K.T. GRIFFIN: Someone has to raise points of view about this sort of legislation. If the Attorney wants to restrict the rights of the media then he should get up and say so, That is a matter for you. But if you do restrict the rights of the press to publish and the rights of the individual to free speech, you are going down the road of restricting essential elements in a democratic society. It is as simple as that.

The Hon. C.J. Sumner: You are talking nonsense.

The Hon. K.T. GRIFFIN: Well, the Attorney can get up and say so. I turn now to the proposed amendments to the defamation law being proposed by Queensland, New South Wales and Victoria. The Attorney-General has said that that is not something which he has as yet agreed to, and I accept that. We ought to be extremely cautious about changing a very long established principle of the defamation law in South Australia, which is designed to protect reputation. We should not move in the direction of Queensland, New South Wales and Victoria by legislating not only to require a person publishing a statement that is defamatory to establish that it is true but also to establish that it is not an unwarranted intrusion on a person's privacy.

In the law of defamation, in New South Wales in particular, for a long time it has been a defence in publishing a dafamatory statement for a defendant to show that it was true and that it was published in the public interest. That was the main stumbling block for uniform defamation law reform in the 1970s and early 1980s, because the Wran Government, particularly the then Attorney-General, Frank Walker, would never concede that the defence should be one only of truth, but always required that it should be truth and public benefit.

The issue of public benefit or public interest is not being proposed in the legislation in those three States. It seeks to provide not only truth as a defence but also that it is not an unwarranted intrusion into the person's privacy. That then deals with the two differing areas of the law, and confuses that part that seeks to protect reputation and that part that seeks to protect privacy. Again, this is an issue on which the Law Council of Australia has made submissions to the three interstate Attorneys-General on this subject of defences. It states:

> In the Law Council's view, the public's right of access to information should not be compromised for the purposes of allowing an individual to protect a reputation which is not an accurate reflection on the truth about that person.

It goes on to say:

> The law of defamation represents a compromise between the competing interests of the individual in the protection of his or her reputation and the public in being fully informed. Neither interest is paramount, and just as the public's right to know must at times give way to the individual's right to a reputation, so must the public's right to be informed at times over-ride the individual's interest in protecting his or her reputation. The balance which is struck between these two interests has an important role in determining the type of society we live in.

In its supplementary submission, the Law Council of Australia suggested that if there was a desire to deal with the aspect of personal privacy it should be dealt with separately from the law relating to defamation.

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

The Hon. K.T. GRIFFIN: I am not saying it: the Law Council is saying that. I am just putting it on the record. The Law Council goes on to say:

> The consequences of introducing a defence of truth plus privacy will be an increase in litigation, and particularly in appeals, and that the expense of this litigation will be disproportionately borne by the media.

In both the initital and subsequent submissions was the view that the uniform defence should be truth alone and not be confused with other issues. That is appropriate. If one were to put aside the question of a right of privacy and acquire any other defence than truth, it compromises the right to speak freely and openly, and particularly the capacity of the press to report freely and responsibly. I know that the Attorney-General has a differing point of view from mine. He may be in the business of seeking to restrict the way in which the media can report.

The Hon. C.J. Sumner: I was interested in your referring to the other articles in the International Covenent apart from those involved in the freedom of the press, but you ignored them.

The Hon. K.T. GRIFFIN: They all have to be balanced, I agree, but freedom of speech and freedom of the press are essential ingredients in a democratic society.

The Hon. C.J. Sumner: Hear, hear. I am not arguing about that.

The Hon. K.T. GRIFFIN: Good. The three areas to which I have referred move towards restricting that freedom. The problem is that once one moves to restrict by a generally applicable law one is then in a position of giving to the courts ultimately the decision as to whether or not the line should be drawn at one point or another, and one certainly becomes embroiled in an ongoing legal battle between those who seek to broaden the right as opposed to those who seek to restrain and restrict.

We had the debate in respect of the Bill of Rights referendum. It was quite obvious that the moment one goes down the track of seeking to codify the rights, they can be used to restrict as much as to protect and expand rights. The concern I have in relation to the three areas to which I have referred, notwithstanding that I believe that there ought to be respect for privacy, is that, when one balances that against the freedom of speech and the freedom of the press, the more dangerous to our democratic society is a restriction on the freedom of the press. I support the motion.

The Hon. CAROLYN PICKLES: I support the motion. I would like to take this opportunity of congratulating our first woman Governor in Australia, Her Excellency Dame Roma Mitchell. Her Excellency is a most distinguished South Australian and has already placed her unique stamp on this new role.

There has been an incredibly hysterical debate of late about the role of the monarch and the monarch's representative in the Australia of the future. As a migrant, and one who was raised in England, I feel I can make some comment about this issue. I guess, like some of my colleagues in this place, such as the Hons Mr Weatherill and Mr Crothers, I was raised on the litany of the Kings and Queens of England (there were not too many queens of England, but there were one or two of note). However, as a migrant to a new country, I am quite prepared to sever those ties and I believe we will do so without losing our democracy which, after all, is the most precious part of our heritage.

I have a great respect for history and tradition. I believe we learn from our past, and if we are sensible we avoid repeating the disasters of our history. British democracy was brought about without revolution. It evolved over a long period of time and the monarch was part of that democracy. France fought for its democracy by ridding itself of its monarchy; the United States severed itself from its British ties in a revolution, but I like to believe that we in Australia can learn from these mistakes and victories and do it better.

It is healthy that a new country should question its place in the world. I am disappointed that the debate on whether or not Australia should become a republic by the year 2001 has degenerated into a slanging match in some instances and, indeed, into fisticuffs in a public forum. It should be a dignified and honourable debate which takes into consideration the views of all its citizens—Aborigines, new and old citizens, our youth and our older members of society, men and women.

The Australian Republican Movement has been founded by eminent Australians who have made a tremendous contibution to Australian society in many varied ways. The aims of this organisation are dignified and honourable and we should respect them even if some of us do not agree with them. I would like to read into the record the Declaration of the Australian Republican Movement, which is fairly brief:

> We, as Australians, united in one indissoluble Commonwealth, affirm our allegiance to the nation and people of Australia.
>
> We assert that the freedom and unity of Australia must derive its strength from the will of its people.
>
> We believe that the harmonious development of the Australian community demands that the allegiance of Australians must be fixed wholly within and upon Australia and Australian institutions.
>
> We therefore propose, as a great national goal for Australia:
>
> That by 1 January 2001—the first day of the twenty-first century, and the centenary of the proclamation of the Federation—Australia shall become an independent republic.

So, Mr President. I congratulate the Queen's representative in this State. I respect her role as I respect the role of the monarch she serves, but I earnestly hope that I will live to see the day when we are a republic.

I would like to turn now to an area where we must also take a forward-thinking view—the area of planning our future cities and protecting our environment. As the twenty-first century approaches we as a society are becoming increasingly mindful of the need to plan the future and ensure that future generations are not left with a legacy of our bad decisions and planning. We must turn upside down our traditional ideas about planning.

Australian society is changing rapidly and we now live in a society very different from the one that people of my generation grew up in. Consequently, the planning for our housing, neighbourhoods, waste management, transport, industry, health care, community facilities and recreation must be done in a way that is relevant to the kind of society we are today, and may be tomorrow. We must act now to make our cities of the future appropriate to the needs of people, business and industry.

But any planning that we do must have a social justice perspective so that we do not create a monster, where the results of planning benefit only the well-off and make life a burden for the less privileged. With that in mind, we need to address the structural inequalities which exist in Australia and incorporate that into our future plans.

If we fail, we will be left with unsuitable cities which are difficult to live in and which will also impose enormous costs on our industries, entrench unequal access to employment and render the cost of service delivery prohibitively high. The future cannot be properly planned by just flinging money at a few projects. Instead, a desire for a fairer future has to come from within us all and Australians need to address deep-seated cultural and institutional barriers to change.

Earlier this year the Deputy Prime Minister and Minister for Community Services and Health, Brian Howe, said:

> The greatest challenge facing Australia is to build housing and cities that are more appropriate to the rapidly changing face of Australian households . . . the Federal, State and local governments of Australia, along with industry and local communities, must face that fact if we are to avoid gross inefficiencies and inequalities in Australian societies.

We must implement an urban development process which links residential development and the provision of social facilities, public transport and infrastructure together to provide efficiency and equity.

As Mr Howe says, we need to change the type of housing we build and the wider urban environment we develop so that it is more appropriate to the changing urban needs of our population. We can no longer plan on the premise that the majority of Australian families consist of mum, dad and two or three children living in the same household. We can no longer plan without considering the consequences of bad waste management; we can no longer plan and ignore the consequences of an increased number of vehicles on our roads; we can no longer plan without considering the consequences of urban sprawl and what that means for people who live a long distance from their workplace.

We need to question the house on a quarter acre block mentality and realise that the Australian quarter acre block dream no longer works—that it is a dream which has the potential to exclude large numbers of Australians from easy access to jobs and services. To continue to plan with that dream in mind is no longer fair. What may have seemed fair and equitable in the 1950s no longer applies to the 1990s, because we are a different society.

In the 1990s we do not have to look too far to find bad examples of past planning. We have hundreds of billions of dollars invested in our major cities and those cities have been built to suit a community of a past era. Almost 80 per cent of Australia's housing stock is detached houses, built to meet the Australian dream of a backyard for the kids to play in. Yet it has been predicted that, by the year 2006, 75 per cent of our households will have no children. Forty-five per cent of Australian households are made up of single people. Their dream is that cities have housing that is affordable and appropriate to their needs.

If we are to be sensible about our future we must respond to the needs of specific groups and not continue to build three-bedroom houses on quarter acre blocks, just because that is what we have always done. As a result of the mostly *ad hoc* urban sprawl of the 1960s and 1970s, combined with minimal consideration of the consequences of urban sprawl and the social justice implications, many Australian cities have spread far and wide, leaving people, usually the less privileged, travelling great distances to their jobs and enjoying fewer services than do the people closer to the city centres.

Here in South Australia, the major demographic change facing us is the ageing of the population. This holds implications for service delivery, employment and living conditions. South Australia's population aged 65 years and over will continue to grow rapidly at about 3 per cent a year over the next few decades. Looking at those figures it is easy to see why the quarter acre block dream is becoming less relevant or desirable to our community.

The proportion of children as a percentage of the population is likely to fall due to declining fertility. This is expected to occur through changes in marital stability, declining family size and the role of women in society. Unemployment is a major factor contributing to inequality between suburbs and regions. Unemployed people are concentrated in the central, western and northern suburbs of Adelaide. For good planning which contains a social justice agenda, the trends that I have outlined must be well researched and then incorporated into any city design and service provision. Before any planning, a thorough picture of all aspects of a community—including its problems, goals, habits and needs—must be sought.

Two excellent examples of future planning in South Australia spring to mind when I think about the importance of planning which includes a thorough understanding of the community and its needs, technology and lateral thinking. The Seaford community project and the new Brompton housing exposition are workable examples of the bright future that can result from good and fair planning. The Brompton demonstration estate is a street of the future which shows that housing on smaller lots does not have to mean a lessening of the quality of life. The street of 14 houses illustrates a number of important issues, including urban consolidation through medium-density housing, energy-efficient building design and environmental considerations. The subdivision designed by Woodhead Australia is both land-efficient and cost-effective, and the guidelines for the other 72 houses to be built ensure that the integrated village will be maintained throughout.

The innovative project is a joint initiative of the three tiers of government, carried through by the entrepreneurial drive of the private housing sector. It illustrates the benefits of identifying under-utilised or vacant sites in established suburbs which have the potential for housing.

It shows how it can be more efficient and economical to build in existing suburbs and it helps to slow down the expansion of Adelaide, north and south. It also gives more opportunities to people who like the lifestyle of urban Adelaide and perhaps want to live near their workplace and the city. Another special feature of the estate is its system to save and reuse stormwater in the area. This is an important research project, which has the ability to conserve scarce water resources and one which makes an important contribution to our long-term environmental future.

The next innovation for the future that I would like to acknowledge is the Seaford community project, which has planned for a future population of 20 000 people and which will have 7 000 new dwellings; more than half of those will be on allotments which reflect a real commitment to limiting urban sprawl. There will be large areas of parkland and landscaped open space; 50 hectares will be reserved for industrial development; and the human service facilities will be consistent with community needs.

However, the size of the development will not threaten feelings of community and neighbourhood identity. Both private and public sector skills have been utilised in this project to produce the best result. Seaford will be testimony to the benefits of good planning, which incorporates cooperation between the public and private sectors, utilisation of technology and modern ideas and research in order to produce a community which is relevant, pleasant and easy to live in and equitable. It is one of the best examples of planning and urban development in Australia and should be a lesson to us all.

Keeping to the theme of the future, earlier this year ideas were mooted for Adelaide's urban future with the release of 2020 Vision by the planning review. It outlines a vision for Adelaide in the twenty-first century and it proposes solutions to problems facing the city. It is not just another plan with airy-fairy ideas. It is an exciting and practical document, which shows how we can move into the next century. It shows how neighbourhoods can be made more neighbourly by redesigning streets. It shows how they can be made safer by simple things like better lighting. It shows

how we can maintain affordable housing for working families by concentrating on upgrading the ring of middle suburbs like Enfield and Daw Park and by slowing expansion on the urban fringes.

On pollution it proposes practical solutions to maintaining water quality by stopping the waste of groundwater that currently flows into the sea. It looks at a practical way of making better use of cars, not by banning them, as has been the response in the past, but by redesigning the roads to have express lanes as a reward for cars that are carrying a full load of passengers. And it lists how technologies can be used for major energy savings.

The report nominates areas of unique ecological significance that should be protected, such as the St Kilda mangroves and the Aldinga scrub, and it says environmental considerations must be an integral part of all planning and development. It proposes a solution to the problem of people having to travel long distances to work by establishing growth centres in already established suburbs. This would also make it easier to supply public transport to workplaces. The report recognises that access to employment and its distribution throughout the metropolitan area are important factors affecting quality of life and standard of living. Therefore, the transport system must ensure mobility within Adelaide, so that employment, goods and services are accessible.

At the same time, efforts to provide a greater range of employment opportunities close to where people live are required. The 2020 Vision report suggests that we plan and develop intelligent vehicle highway systems for the future which integrate advanced surveillance, communications and computer technologies to provide information to businesses and vehicles, on better choices about the most appropriate routes to travel, the vehicles to use and the time at which to travel, thereby improving the speed and efficiency of moving goods.

As Adelaide's residential areas grow further north and south, this may mean longer journeys to work, or to find work. Some people are forced to take jobs which are close by but not necessarily best suited to their skills. The planning review is examining this issue in more detail to determine how significant it might become to the future.

There are many questions about our future that need to be asked, researched and answered in the planning process before we institute changes that we may later regret. There is no wisdom in leaping in with knee-jerk, *ad hoc* solutions to our problems. We need to thoroughly understand the changing community we live in and to make our assessments on the basis of solid reseach.

I congratulate the creators of 2020, because it is the sort of visionary approach that we should be adopting as a normal part of our decision-making processes, particularly with the decisions that are likely to have implications for the future.

One of the special challenges of the 1990s is to provide and foster environmental protection which is credible affordable and effective, yet which leaves room for innovation on the part of business, various levels of government and the community generally. In the past few years community attitudes towards the environment have broadened and strengthened. Australians now put environment at the top of the list of community concerns, above the economy. The most important environmental issue was pollution generally. The challenge is out to Government, industry, planners and policy advisers to recognise and to respond effectively to the shift in public opinion in a way which makes environmental protection a pervasive priority in decision-making.

This Government has been moving steadily forward in the areas of urban planning and environmental protection. A South Australian Environmental Protection Authority to act as the State's watchdog is a key element in a discussion paper released last month following a reassessment of the State's approach to environmental protection. With typical South Australian cooperation and collaboration, these reviews will dovetail well as we act on the reforms now proposed. The State Government has seized the opportunity for major reforms to run in parallel with the changes emerging from the planning review.

There is a need to strengthen the links with planning and development approval laws to achieve a preventative approach to pollution. The discussion paper outlines an ambitious but achievable agenda for reform which will assist the South Australian community in meeting the environmental challenges of the 1990s and in safeguarding our quality of life. A consolidated and comprehensive environmental protection Act dealing with environmental contaminants and waste is an important feature of the Government's proposals. It is not at all surprising, given that the key pollution statutes have been devised progressively since air pollution controls were introduced in the late 1960s, and that we now have a wider range of regulatory controls.

Some 32 South Australian Acts of Parliament include controls of one kind or another relating to pollution or wastes. There is much to be gained by bringing together principal environmental protection statutes, and adopting a common and unified approach to standard setting, policies, licence applications and requirements. This will mean that the general public and business and potential investors alike will have a principal point of reference to the State's environmental protection laws. It will be easier for them to establish compliance with the public who are interested in or concerned about effective safeguards for the environment, and will have a system which is more open to public consultation and with more clearly established lines of accountability. So, the first point about the proposals for reform is that they make good legislative housekeeping sense after some 20 years of piece-by-piece law making.

The second rationale for our environmental protection reforms is founded on environmental principles that are now more widely recognised and need to be applied across the range of protective measures we have developed. We need an approach based on integrated pollution control. This means aiming for the sound overall environmental outcomes, not just safeguarding one segment of the environment. The planning review appears to be headed down a similar track in proposing amalgamation of four or five of the 'up front' development control statutes, such as the Planning, Building and Heritage Acts. As I understand it, the intention is that these would be integrated into, and form the nucleus of, a new Development Control Act. The report of the planning review also supports those notions of integrated pollution control and prevention at source when it says:

> Waste and pollution caused by an activity must be dealt with as an integral part of its development.

The Government's environmental protection reform package is consistent with that observation. While on the subject of the environment, I would like to place on record my absolute dismay at the environmental vandalism by the bulldozing of the House of Chow.

The Hon. R.J. Ritson: It was a lovely old place, wasn't it?

The Hon. CAROLYN PICKLES: Yes, it certainly was. It is not quite so lovely these days. Each day, as I drive to Parliament House, I pass this sad reminder of the failure

of co-operation in the area of heritage protection and planning. Maybe what we need to do is leave this pile of rubble, as a reminder to all of us of what happens when monetary considerations are the only ones that some people view as important. We are left with a symbol of the destruction of beauty, history, individual and collective views, lack of planning and evidence of sheer bloody-mindedness. Maybe its epitaph should be—and perhaps we should put a little plaque where it once was—'Here lie the remains of the House of Chow, once loved by the City of Adelaide—a symbol to the mindless moneterism of the 1980s!'

I would like to refer now to the MFP, which is of course a vital national project that will contribute significantly to industry development goals of long-term growth and internationalisation of the economy, particularly in the significant industries of the 21st century. In announcing the go-ahead of the project the Premier, John Bannon, noted that estimates by the MFP-Adelaide management board were that if the project realised its full potential it could create over 40 000 extra jobs by the year 2008 and boost South Australia's gross product by up to $10 billion in net present value terms, and this does not include the benefits of complementary MFP-related developments in other States.

The MFP board also approved the concept of the MFP as an urban development with vital environmental and social opportunities. In fact, it will incorporate the concepts and ideologies that I have outlined earlier.

I believe that we must make a commitment to continue to improve the way we live and the way our society works; to make it fairer; to make sure it has a solid foundation; and to make sure it is sustainable into the future.

At this point I would like to place on record the heartfelt views of all members of this Council who yesterday moved a motion condemning the overthrow of the democratically-elected President of the Soviet Union, and we welcome the news today that President Gorbachev has been returned to the capital. One can hope, and I guess one can pray if one is that way inclined, that this will now mean a peaceful resolution of the conflict in the Soviet Union. I support the motion.

The Hon. C.J. SUMNER (Attorney-General): In closing the debate, I thank members for their contributions. I had not intended to enter the debate but was prompted to do so by the contribution of the Hon. Mr Griffin, which gave a very one-sided view of the principles relating to freedom of the media and freedom of the press in this country. The Hon. Mr Griffin sought to give a view of the freedom of the press relating to the proposals to restrict political advertising on television, the proposed privacy law and the proposal interstate to amend the defamation laws to change at least in the State of Victoria the situation where truth alone is a defence to defamation actions.

In putting his argument the Hon. Mr Griffin was regrettably somewhat selective about the international instruments and their clauses to which he referred. So far as the International Covenant on Civil and Political Rights is concerned, he referred to those articles that support the freedom of speech and the freedom of the press but he omitted to refer to article 17 and, for the purpose of balance, I will do so. Article 17 provides:

> 1. No-one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
> 2. Everyone has the right to the protection of the law against such interference or attacks.

That refers to a right to privacy, which has to be balanced up against the other rights referred to in the international covenant, including the right to freedom of the press.

The Hon. Mr Griffin also omitted to refer to paragraph 4 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, a declaration made by the General Assembly of the United Nations. Under the heading 'Access to justice and fair treatment', it states:

> Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

While it could be argued that that is directed principally at Government agencies or courts, it is fair to say that most people would agree with the basic proposition that victims of crime should be treated with compassion and respect for their dignity, no matter what organisation in our community they are dealing with, whether Government or the media.

It is fairly clear from the evidence given to the Select Committee on Privacy in the House of Assembly that in many instances victims of crime in this State were not treated by the media with compassion and respect for their dignity. However, I do not want to debate the issue at great length today because the Privacy Bill, I assume, will make its way through to this Council in due course. Nevertheless, it is important at this stage to place on record at least those two international instruments which do provide support for the alternative point of view to that put by the Hon. Mr Griffin and which were not mentioned by him.

Also, I would briefly like to refer to the Constitution of the United States of America and the Bill of Rights under that Constitution. The first amendment of the Constitution is one of the most famous and important clauses of the Bill of Rights, and it provides:

> Congress shall make no law respecting an establishment of region, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That is a constitutionally enshrined right of freedom of the press in America and yet, at the same time, the United States of America Supreme Court has recognised a general right to privacy, and a number of the States in the United States of America have legislated for a general right to privacy.

Just to complete the picture, although the history of the right of privacy in the United States goes back some years, I point out that it was in 1965 that the Supreme Court first explicitly affirmed a general right of privacy. I wish to quote from the *International Encyclopaedia of Social Services*, Volume 12 (page 484), which I believe summarises the situation:

> Laws regarding the right of privacy were relatively late in arriving on the scene.

This relates to the United States of America. The quote continues:

> While a general law of private personality, rooted in Roman law, found its way into numerous continental codes, judges have preferred to link the right to privacy and property rights, and its violation with specific torts, such as libel or slander, copyright infringement, breach of contract, trespass, and assault and battery. This has been particularly true of Anglo-American courts; indeed, common-law jurisprudence regarding the right of privacy dates back no farther than 1890, when Warren and Brandeis (1890) published a famous article on this topic. In England there is still no actionable invasion of privacy unless property rights have been violated or reputation has been injured.

The situation in England is also the situation in South Australia and Australia and is the situation that the privacy law seeks to amend. The reference continues:

> In the United States a general right to privacy was first explicitly affirmed by the Supreme Court as recently as 1965, in *Griswold et al v Connecticut* (381 U.S. 530). This decision invalidated a Connecticut law thaqt prohibited the use of contraceptives even by married couples.

I will read the dissenting opinion for the sake of completeness:

> Yet the dissenting opinion of Justice Potter Stewart questioned the legal basis of the decision.

It was not a unanimous decision. It continues:

> What provision of the Constitution, then, does make this State law invalid? The court says it is the right of privacy 'created by several fundamental constitutional guarantees'. With all deference, I can find no such general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this court.

That is a quote from Justice Potter Stewart and it was the view expressed by the minority in that decision. The reference goes on:

> In fact, the majority opinion, written by Justice Douglas, relied upon 'a right of privacy older than the Bill of Rights—older than our political Parties, older than our school system'.

That case obviously was dealing with a law that intervened in the relationship of a married couple to use contraceptives. It is not directly related to the issue of the freedom of the press. Nevertheless, it did establish a general right of privacy. I will also briefly quote directly from the judgment of one of the majority judges, Justice Goldberg, as follows:

> I agree fully with the court that, applying these tests, the right of privacy is a fundamental personal right, emanating 'from the totality of the constitutional scheme under which we live.' Id., at 521, 6 L ed 2d at 1006. Mr Justice Brandeis, dissenting in *Olmstead v United States*, 277 US 438, 478, 72 L ed 944, 956, 48 S Ct 564, 66 ALR 376, comprehensively summarised the principles underlying the Constitution's guarantees of privacy:.

He quotes from Justice Brandeis, responsible for writing the 1890 article. He quotes from the case I have mentioned, which is *Olmstead v United States*, 277 US 438 as follows:

> The protection guaranteed by the [fourth and fifth] amendments is much broader in scope. The makers of our constitution undertook to secure conditions favourable to the pursuit of happiness. They recognised the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred as against the Government, the right to be left alone—the most comprehensive of rights and the right most valued by civilised men.

I commend those references to members who are interested in a more thorough study of this matter and suggest to them that they do not just simply rely on the selective material presented by the Hon. Mr Griffin. In the United States of America there is a constitutionally enshrined right of freedom of the press, but even in that context the US Supreme Court has found that a general right of privacy is supported. Of course, in any case where that right of privacy is being argued as against the right of the freedom of the press, the limits of those rights will have to be determined.

Other cases in the United States deal with that interface. I do not have time to go through them today, but it is an area that the Hon. Mr Griffin and others concerned with this issue should look at. Even in the United States of America, with a constitutionally guaranteed right of freedom of the press, a right of privacy has also been recognised. I do not accept the proposition put by the Hon. Mr Griffin that the privacy legislation being proposed unanimously (obviously including Liberal Party members) by a select committee of another place is necessarily inconsistent with concepts of freedom of the press. I put on record my support for the basic democratic freedoms which underpin our society, including the right of freedom of speech and its related right of freedom of the press. They are fundamental to a functioning democracy, but they have never been without limits.

Freedom of speech and freedom of the press have always had limits imposed upon them to some extent, whether by defamation laws or otherwise. The real question is in determining what appropriate limits ought to be. I firmly assert that there is no necessary inconsistency between the freedom of the press and a general right of privacy. International instruments to which I have referred need to be taken into account, along with those referred to by the Hon. Mr Griffin, for there to be a balanced debate on the topic. I draw those matters to the attention of members, should they be interested in pursuing the issue.

I thank all members for their contributions to this Address in Reply debate, important as it is.

Motion carried.

The PRESIDENT: I have to inform the Council that Her Excellency the Governor has appointed 4.15 p.m. on Tuesday 27 August as the time for the presentation of the Address in Reply to Her Excellency's opening speech.

SUPPLY BILL (No. 2)

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

ADJOURNMENT

At 4.37 p.m. the Council adjourned until Tuesday 27 August at 2.15 p.m