LEGISLATIVE COUNCIL

Wednesday 19 February 1992

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

QUESTIONS

STATE BANK ROYAL COMMISSION

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the State Bank Royal Commission.

Leave granted.

The Hon. K.T. GRIFFIN: The Attorney-General indicated yesterday that he had received a proposal from the State Bank that the third term of reference of the royal commission be dropped in favour of the Auditor-General completing his report on questions which, as I understand it, the bank represents as being similar to, if not identical with, term 3 of the royal commission's terms of reference. The Attorney-General indicated that he and the Government were considering that proposal. The way the Government set up the inquiries indicates two distinct tasks: one for the Auditor-General and one for the Royal Commissioner. The Solicitor-General, representing the Government before the royal commission, acknowledged this in his submissions to the royal commission on the scope of its terms of reference.

The Royal Commissioner, in his decision relating to the meaning of his terms of reference, explored the relationship between his terms of reference and those of the Auditor-General. Having reviewed the Auditor-General's terms of reference, the Royal Commissioner had this to say:

> By contrast it will be seen that the commission's terms of reference in clauses 1 and 2 address matters that are, for the most part, entirely outside the scope of the Auditor-General's inquiry and clause 3 directs particular attention to the supervisory role of the board, calling in aid the Auditor-General's report. Clause 3 *(a)* addresses the relationship of the board to the Chief Executive Officer, a matter not directly within the scope of the Auditor-General's inquiry, and clause 3 *(c)* invites attention to the board's responsibility under the State Bank Act in respect of the matters reported upon by the Auditor-General. It is only clause 3 *(b)*, dealing with the supervision of the board over the operations of the bank, that appears to overlap, to some extent, with the Auditor-General's inquiry but, like clause 3 *(a)* and 3 *(c)*, it also addresses the additional issue of legislative reform.
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> Finally, in this comparison, I draw attention to term E of the Auditor-General's inquiry whereby the reports to be furnished to me must include a 'report on any matters which, in his opinion, may disclose a conflict of interest or breach of fiduciary duty or other unlawful, corrupt or improper activity'. The Auditor-General is to report whether, in his opinion, such matters should be further investigated but by clauses 4 and 6 of my terms of reference it is for me to make the appropriate recommendation in respect of such matters calling in aid, but not being obliged to accept, the Auditor-General's opinion.
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> I have embarked upon this brief comparison of the complementary but different roles of the commission and the Auditor-General because it tends to justify two broad propositions. One, it is unnecessary to adopt a narrow and restrictive interpretation of my terms of reference in order to avoid a conflict with, or duplication of, the Auditor-General's inquiry. Two, the fact that the range of matters allocated to the Auditor-General's inquiry are considered by the Executive Government proper to be considered in private, for understandable commercial reasons, tends to support the conclusion that the essentially different range of matters entrusted to me are properly the subject of public inquiry before a royal commission, subject only to such safeguards as are identified in clauses 8 and 9 of my terms of reference.

My questions are as follows:

1. From the clear terms of the Royal Commissioner's determination of the scope of his inquiry, will the Attorney-General agree that the overlap of the third term of reference and the inquiry of the Auditor-General's inquiry is minimal; that the Royal Commissioner and the Auditor-General have distinct roles and responsibilities; and that, if the third term of reference is withdrawn from the royal commission in favour of a private inquiry by the Auditor-General, it will defeat what appeared to be the Government's objective of a public inquiry of important policy matters and legislative issues, and prevent the Commissioner from reporting on matters relating to unlawful, corrupt or improper activity?

2. Does the Attorney-General agree that, in the light of the Royal Commissioner's decision, his statement yesterday that 'there is a substantial area of overlap between these two' overstates the position?

The Hon. C.J. SUMNER: The answers to the questions are as follows:

1. *(a)* No; 1. *(b)* Yes; 1. *(c)* No; 2. No.

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the State Bank Royal Commission.

Leave granted.

The Hon. R.I. LUCAS: Yesterday, in answer to questions about the State Bank Royal Commission and the bank's proposal that the third term of reference of the royal commission be withdrawn, the Attorney-General indicated that the proposal was put to the Government and to him by the bank. He also said, '... and also it has been suggested to me from within the Attorney-General's Department'. The Attorney-General made reference to the suggestion arising from his own department twice. My questions are:

1. Was the Attorney-General's Department's advice or suggestion in relation to term of reference No. 3 of the royal commission initiated by the department or was it in response to a request from the Attorney-General or some other person for advice or comment?

2. What was the advice or suggestion provided to the Attorney-General?

3. What discussions, if any, has the Attorney-General or any of his officers had with former directors of the State Bank about the possibility of the withdrawal of term of reference 3 of the State Bank Royal Commission?

The Hon. C.J. SUMNER: My recollection is that this suggestion arose from within the department because of the concern expressed about the length of time the royal commission was taking and because of the length of time which had been added to by the illness of the Royal Commissioner. I do not have the documentation in front of me at the present time. In fact, I am not sure that there was any documentation on it, but to resolve the undoubted difficulties which have occurred as a result of the length of the royal commission, the length of the Auditor-General's inquiry and the Royal Commissioner's illness, the proposal was floated to deal with term of reference 3 in another way.

I have not had any discussions with former directors of the bank on this topic. Whether any officers within the Attorney-General's Department have, I cannot say, but I would be surprised if they had. I certainly have not. The answers that I gave to the previous questions raised by the Hon. Mr Griffin clearly indicate that there is substantial overlap between the Auditor-General's inquiry and term of reference 3.

It was not the Government's intention that somehow or other the inquiry would be truncated but that the matters contained in term of reference 3 would be dealt with fully by the Auditor-General by an appropriate change in the terms of reference.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Well, I have not heard—

The Hon. R.I. Lucas: It's a public outrage.

The Hon. C.J. SUMNER: —any public outrage about the matter.

The Hon. R.I. Lucas: Listen to talkback radio.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, I have not been involved in talkback, either. All I am—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Actually, I have more work to do than listen to talkback radio. Obviously the Hon. Mr Lucas has little enough to do, so he can sit down in his office and listen to talkback all morning.

The Hon. L.H. Davis: You don't have to listen but you have a media monitoring service.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I have no media monitoring service—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: —and no ministerial assistance. I do not really know what the honourable member is on about.

The Hon. R.I. Lucas: They call you Mr Cover-Up at the moment. 'Cover-up Sumner,' they say.

The Hon. C.J. SUMNER: 'Cover-up' was the amazingly-hackneyed phrase used by the Hon. Mr Lucas. It astonishes me that he would use probably the most hackneyed and overused cliche in the political lexicon, but that was all his inventive mind could come up with yesterday to describe a situation, which in any event is absolutely nothing of the kind. The Government and the South Australian community is faced with a situation where the royal commission and the Auditor-General's inquiries are taking longer than had been envisaged, and—

The Hon. R.I. Lucas: Might go into an election year.

The Hon. C.J. SUMNER: I am not interested whether or not it goes into an election year. The underlying factor—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Are you some kind of fool or something?

The Hon. R.I. Lucas: Is this a safe place to say that?

The Hon. C.J. SUMNER: Of course I can, and I am quite happy to. What I find amusing is this prattle here. This adolescent stands here attempting to be a Leader—

The Hon. Peter Dunn: At least he's honest.

The Hon. C.J. SUMNER: Are you suggesting that I am not?

The PRESIDENT: Order! The Attorney-General will direct his remarks through the Chair.

The Hon. C.J. SUMNER: Are you suggesting that I am not?

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. C.J. SUMNER: I am glad that the honourable member has conceded that I am honest. It interests me that this person is allowed to stay here and lead the Liberal Party, given his behaviour.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. After members ask a question I expect them to listen to the answer in the same way in which the question was asked—in silence. If members do not do that I suggest that they do not ask a question.

The Hon. C.J. SUMNER: Thank you, Mr President.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: The honourable member may well be here longer than I am, and for no other reason than he is considerably younger and also considerably more wet behind the ears, if I may say so, Mr President.

The other thing that I found rather amusing from yesterday's goings on in Parliament was that somehow or other the *Advertiser* managed to define, out of what the Premier and I said yesterday, that the Government had confirmed that it intended to speed up the completion of the State Bank Royal Commission. Nothing like that was said at all. It really calls into question the *Advertiser's* reporting of this issue. The amazing thing about it is that the *Advertiser* has an agenda, and it writes its stories to fit its agenda.

The Hon. R.I. Lucas: It made it up, did it?

The Hon. C.J. SUMNER: Well, it made that up. Even you would have to say that it made that up. Mr President, did you hear me yesterday confirm that the Government intended to speed up the completion of the State Bank Royal Commission?

The Hon. R.I. Lucas: Sounded like it to me.

The Hon. C.J. SUMNER: I didn't say anything like that. In fact, what I did say was that the reporting dates for both the Auditor-General and the royal commission would have to be extended. That is what I said yesterday.

The Hon. R.I. Lucas: You said it was taking too long.

The Hon. C.J. SUMNER: I think that that is common ground. It is obviously—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Who is this? Even the Hon. Mr Elliott is shaking his head. It takes a lot to get him to shake his head at anything the Hon. Mr Lucas says. What amazes me is how this person remains the Leader of the Liberal Party in this Chamber—it astonishes me—with his inane interjections. The fact of the matter is that at this stage no decision has been made; there is no confirmation that the State Bank Royal Commission will be speeded up, even if we had the power to do so.

Because it was a proposal put to us by the State Bank, what is being considered is whether or not a proper and adequate inquiry can be carried out with some change to term of reference three of the royal commission and some adjustment of the terms of reference between the royal commission and the Auditor-General. In the light of the circumstances that have occurred with the Royal Commissioner's illness—the fact that the commission is delayed compared with its original timetable—I would have thought that looking at proposals to deal with the situation was something that the Government was obliged to do and something that I would have thought the community would consider reasonable.

HINDMARSH ISLAND BRIDGE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question on the subject of the Hindmarsh Island bridge.

Leave granted.

The Hon. DIANA LAIDLAW: Considerable controversy and confusion has reigned since the Premier announced on 6 October last year that the Government was committed to building a $6 million bridge joining Goolwa and Hindmarsh Island. Initially it was understood that the Government's financial arrangement with the marina developers involved a taxpayers' contribution of $3 million or half the cost of the bridge, whichever was the lesser sum. Subsequently it was revealed in the *Advertiser* on 25 October that the Government had agreed to meet the full cost of the bridge up

front, and that the developer, Binalong Pty Ltd, was merely obliged to pay back its share according to the progress of land sales in its six stage marina proposal. To my knowledge, the *Advertiser* was spot on with this report, because it has never been challenged or denied by the Premier.

Yet, on 25 November, one month after this *Advertiser* report, the member for Napier, speaking to a motion in the other place on the Berri bridge, reaffirmed that the Government's contribution was the lesser amount of $3 million or half the cost of the bridge. Therefore, I ask the Premier:

1. Is the Government's commitment to the Hindmarsh Island bridge project conditional on the final estimate of construction costs amounting to no more than $6 million?

2. Is the Government's offer of $3 million or half the cost of the bridge, whichever is the lesser, a non-negotiable undertaking, or is it flexible depending on the outcome of studies by consultants Connell Wagner, who are due to report to the Department of Road Transport on this matter by the end of this month?

3. Or, has the Government made a commitment to the developers to fund the full cost of the bridge irrespective of the final cost or the capacity of the developer to pay a proportion of the cost upfront, or to make any repayments?

4. Finally, if the Government decides to proceed with this project, are the required funds to be found from within the Department of Road Transport's expenditure lines, thus depriving other roadwork projects deemed by the department to be of a higher funding priority, or are the necessary funds to be provided as a special once-off Treasury payment?

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

RIVERTON RAILWAY STATION

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Transport, a question concerning State Transport Authority asset sales.

Leave granted.

The Hon. I. GILFILLAN: I have recently received a number of letters from councils in the Mid North local government region in relation to STA property sales in their area. The STA has embarked on a sale of country railway properties throughout the region at Kapunda, Hamley Bridge, Tanunda and Riverton. Specifically, I want to refer to the proposed sale of the historic Riverton Railway Station. The Riverton station is listed on both the State Heritage Register and the National Estate Register, and its historical significance is based not only on the architectural importance of its buildings but also on the unique character of the entire station yard. Riverton council would prefer the State Government to retain the historic property and allow the council to redevelop it as a major historical tourist facility of national importance. Has the Minister of Tourism been there? It is a very attractive spot and I wonder whether the Minister of Tourism had been there.

Despite council requests, however, the STA called tenders for the sale of the property over Christmas with an asking price of $90 000. Riverton council, with just 1 100 rate payers and an annual budget of $400 000, has made a token offer of $10 000 for the property. Correspondence between Riverton council District Clerk, Trevor Peek, and the Minister, Mr Blevins, shows that the council's offer has been rejected by the Minister. In November last year the Minister, Mr Blevins, wrote to the council stating:

> ... the STA is unable to transfer properties to other Government departments or agencies at less than the Valuer-General's current market valuation. In this instance, the property has been valued at $90 000.

The Hon. Diana Laidlaw: It doesn't do that all the time.

The Hon. I. GILFILLAN: No, and that's what I am about to point out.

The PRESIDENT: Order!

The Hon. Diana Laidlaw: It's very selective.

The PRESIDENT: Order!

The Hon. I. GILFILLAN: That's exactly right. The interjection that it is very selective seems to be borne out in the information that I am giving to the Council in this explanation. It is a view corroborated in further correspondence between Riverton council and the STA, when on 7 January this year the STA's Property Manager, Mr R. Curtis, wrote to council stating:

> ... the STA disposes of its surplus assets at current market value in accordance with Government policy. As a result, it is not possible for the STA to negotiate sales to local authorities at little or no cost, irrespective of the merit or otherwise of redevelopment plans by the particular local community.

However, it appears that the policy pronounced by the Minister, Mr Blevins, has been made up on the run because, according to earlier correspondence between the Minister and the Property Manager of the District Council of Eudunda, Mr W. Fudali, in relation to STA property transfers, a letter dated January 1988 by the Minister to the Eudunda council states:

> ... as a result of the above, I advise that the authority now considers the following to be the most appropriate solution. The authority will transfer to council the memorial gardens at no cost, transfer to council the centenary gardens at no cost.

This indicates again the inconsistency and, some have argued, the ineptitude of the handling of the transport portfolio by that Minister. I therefore ask the Minister:

1. Has the Government changed its policy relating to the sale or transfer of STA property and, if so, when and why?

2. Can the Minister explain the obvious discrepancy between his 1988 statement to Eudunda council and his current position with Riverton council?

3. Will the Minister undertake to re-examine not just the Riverton case in relation to its historic railway station but also other proposed property sales in Kapunda, Tanunda and Hamley Bridge?

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

MEDICAL PRACTITIONERS ACT

The Hon. R.J. RITSON: I seek leave to make an explanation before asking the Minister representing the Minister of Health a question about the Medical Practitioners Act.

Leave granted.

The Hon. R.J. RITSON: This question was stimulated by a television program. Some weeks ago I saw an interview with a creature called Dr McGoldrick, and the central point of that interview was that damages had been awarded against McGoldrick for poor results from surgery in a field in which many people considered he was not trained. However, many people considered the damages to be deservedly awarded. Be that as it may, the good doctor said in an interview that the successful litigant was not going to get any money because he did not insure himself against the consequences of medical malpractice. Furthermore, he made a comment to the effect that he would advise doctors generally not to insure themselves because the capacity to pay only encouraged litigants.

The general effect of that interview was, to say the least, quite awful, and Dr McGoldrick did not impress as a worthwhile person. That interview made me think, 'Well, I think

we've got it here in South Australia.' I remembered some legislation going through this Council to make insurance compulsory, and I checked out the matter. I found that in 1983 a Bill was passed in this Council to amend the Medical Practitioners Act. This Bill enabled the legislation to be proclaimed in whole or, by a process of suspension, in part. The gazettal date of those amendments was 11 August 1983, but it was gazetted without the inclusion of section 69, which requires a medical practitioner to take out satisfactory insurance, and makes his or her annual registration contingent upon such insurance being obtained. However, from 1983 until 1992 that section has never been proclaimed.

The honourable Attorney will know that in the case of the legal profession professional indemnity is compulsory and is linked to practising registration. So, I presume that the Government has a very good reason for never proclaiming section 69 of the Medical Practitioners Act, but for the life of me I cannot, on reflection, think of any good reason for its not doing this. I ask the Minister: why was section 69 never proclaimed; did it require a huge infrastructure that is still in the planning stage; did the Government forget about it, and will the Minister please give a satisfactory explanation as to why this and many other laws, as raised by my colleague the Hon. Mr Burdett, have not been proclaimed after this Council has gone to a considerable amount of time, trouble and debate to pass them? It is a bit of an insult to the institution of Parliament to waste its time on legislation that the Government does not proclaim. Please give an explanation.

The Hon. BARBARA WIESE: I am sure that the Minister of Health is not in a position to answer for pieces of legislation that lie outside his area of responsibility, but as to the matter concerning the Medical Practitioners Act that has been raised by the honourable member, I am sure the Minister will be able to respond. I will therefore refer those questions to him and bring back a reply as soon as possible.

STATE FINANCES

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

Leave granted.

The Hon. L.H. DAVIS: The latest information about the State Bank of South Australia concerns an annual interest bill of $220 million to meet the borrowing required for the massive $2 200 million write off in the last financial year. To put the matter in perspective, that $220 million represents about an extraordinary 15 per cent of State taxation; that is total taxation from all sources including land tax, gambling, payroll tax, FID, stamp duty, and business tax on gas, liquor, petroleum, tobacco and business undertakings such as the Electricity Trust. In other words, State taxes and borrowings have to increase, expenditure has to reduce or a combination of all three has to occur to meet this financial black hole. As the Attorney-General knows, this loss will not disappear.

Other States, notably Victoria and Western Australia, have also suffered from massive losses by State Government instrumentalities. A few days ago, the Western Australian Labor Government announced the sale of 100 per cent of the State Government Insurance Office by way of a share market float, and 49 per cent of the R & I Bank will be offered to public shareholders. In addition, the Labor Government has announced a proposal for a $2 billion private power station.

The Lawrence Labor Government, in announcing the privatisation of SGIO and the R & I Bank, said that it was doing so to reduce the State debt. Chanticleer, the respected daily commentator in the Australian *Financial Review*, said on Thursday 13 February:

> The decision makes sense, both politically and economically, which must rate as something of a novelty for Western Australian taxpayers.

So, privatisation is being pursued with enthusiasm by the Western Australian Government and, as the Labor Party would be well aware, by the Victorian Labor Government, which has already sold its State Bank to the Commonwealth Bank, and that venture of course has been partly privatised by the Federal Government. There are rumours of further privatisation of the Commonwealth Bank, and there are plans afoot by the Federal Government also to privatise Australian Airlines and Qantas. Victoria is also selling its State Government Insurance Office and its forests to raise at least $1 billion. The Queensland Labor Government is enthusiastically building a private prison and a private power station, and the New South Wales Liberal Government is floating off both its Government Insurance Office and State Bank.

It is commonly agreed by leading financial analysts in New South Wales and Victoria with whom I have discussed this matter in recent months that Australia is trailing almost all other major countries in embracing privatisation. South Australia is seen to be trailing all other States. While other States are entering the main straight in the privatisation stakes, the Bannon Labor Government is still locked away in the starting gates. Privatisation experts in the Eastern States have privately expressed bemusement at Bannon's fearful stance on privatisation.

My questions to the Attorney are direct, and I presume that following yesterday's answers we will have some direct answers. First, does the Attorney-General support privatisation as a concept as a way of reducing the State debt and so reducing State taxation?

Secondly, does the Bannon Government agree or disagree with the privatisation policies of other State Labor Governments? Thirdly, can the Attorney-General explain why the Bannon Government has rejected repeated calls to consider the full or partial privatisation of key State Government assets such as the SGIC or the State Bank? Fourthly, and finally, will the Bannon Government fully or partly privatise the SGIC or State Bank in this current term of office, yes or no?

The Hon. C.J. SUMNER: The answer to the first question is 'Sometimes'. The answer to the second question is that the question of policies in other States on privatisation is a matter for those States. Any future questions of privatisation in South Australia will be dealt with on their merits, involving the individual institutions concerned, and an assessment of whether or not it is appropriate to privatise them.

The point has been made that, with the State Bank, the key objective now and in the longer term is to get the bank back on track and get it restructured in accordance with the policies of the new board that have been outlined in Parliament and in the public arena. That is the immediate objective. Whether privatisation will be considered in the future is a matter for a future Government to look at. The answer to the final question is that no decision has been made on that matter.

MINISTER FOR THE ARTS AND CULTURAL HERITAGE

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about her ministry.

Leave granted.

The Hon. PETER DUNN: There has been a considerable amount of speculation in the press in the past couple of days regarding the Minister's position. I guess the people of Gilles would like to know where they stand on this issue. An article in yesterday's *News* stated:

> Party sources said another scenario was for Arts Minister Ms Levy to retire at the next election, opening a casual vacancy in the Legislative Council.
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> Ms Levy will have been in Parliament for about 20 years when the next election takes place, probably late next year, and will have completed four years as a Minister, with four years as President of the Council.

Therefore, my questions are:

1. Has the Minister, according to these Party sources, seen the Premier or senior factional brokers regarding her reign in the Council?

2. Is it her intention to step down prior to the next election?

The Hon. ANNE LEVY: The very definite answer to both questions is 'No'.

UNIVERSITY SEMESTERS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Employment and Further Education a question about university semesters.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the possibility of South Australia's universities looking at offering summer courses in a bid to make better use of their facilities and alleviate some of the pressure being placed on them by record application for admission during the recession. Universities in the United States and the United Kingdom offer optional courses over a summer semester which are well patronised by undergraduate students wanting to complete a degree in the shortest possible time and postgraduate students wanting to update their qualifications during the vacation period.

In contrast, Australia's institutions sit largely idle for up to three months over summer. This year more than 15 000 applicants have missed out on places at tertiary institutions as the lack of jobs forces more people to consider further education. Large numbers of students have also returned to school this year to repeat Year 12, meaning the competition for university places next year will again be fierce, with many able students missing out.

The summer holidays currently enjoyed by tertiary students are at least as long as a semester and it has been suggested that offering optional courses through those months would mean some people could complete degrees in a shorter time, as is possible in the USA and UK, freeing up more places in the institution. A couple of courses such as this are already offered. For example, the Botany Department in the University of Adelaide offers some summer courses because they involve large amounts of field work, They are highly succesful. In fact, I have done a couple of those courses.

My question to the Minister is: have any moves been made in South Australia to increase the use of summer semesters or summer courses in our three universities? If not, will the Minister ask the institutions to consider such an extension of their instruction year and offer summer courses?

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

SOUTHERN CROSS AIRLINES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about Southern Cross Airlines.

Leave granted.

The Hon. J.F. STEFANI: I refer to the recent media coverage of the proposal by Southern Cross Airlines to take over the failed Compass Airlines. There has been considerable speculation that Southern Cross might set up in South Australia following a 12-month bid by the Bannon Government to lure the airline to this State. According to one press report the Government had agreed to provide loan guarantees and incentives to the management of the new airline, enabling it to build a new passenger terminal, maintenance base and national reservations centre in Adelaide.

The Premier is quoted in last Saturday's *Advertiser* as saying that the Government had offered 'normal business incentives' through the Sate Development Fund and loan guarantees to help the airline set up in Adelaide. The same report says that the Government would have no direct equity in the company but would be responsible for loan guarantees if the revived airline should fail. In Monday's Australian *Financial Review*, in an article by Libby Moffet, it was reported that a $1.5 million investment in the airline had come from the South Australian Government and two individuals. In view of this report, my questions are:

1. What is the total current and projected dollar investment or subsidy which the State Government has committed to Southern Cross Airlines?

2. What are the terms and conditions of such investment or financial assistance offered by the Government?

3. Has the Government offered any loan guarantees or other commercial incentives to Southern Cross and, if so, what are they?

The Hon. C.J. SUMNER: I do not know whether that information can be provided to the honourable member, but I will seek it from the Premier and bring back a reply. Suffice it to say that industry assistance in this State has been dealt with in the past on a bipartisan basis, and requests for assistance are dealt with by the Industries Development Committee which has members on it from both sides of politics. I assume that this matter was dealt with by that committee. I will see if the Premier can provide the information requested.

CARBON MONOXIDE PROTECTION

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, questions about carbon monoxide protection.

Leave granted.

The Hon. BERNICE PFITZNER: Several months ago, 49 workers at a fish processing plant were affected by carbon monoxide poisoning. A meeting was called of representatives from the Police Department, the Metropolitan Fire Service, St John Ambulance, Department of Labour, Royal Adelaide Hospital, Queen Elizabeth Hospital, South Australian Health Commission and the firm involved. Recommendations were proposed, and the firm's rapid compliance to the recommended changes by installing carbon monoxide alarms and electrically powered forklifts was exemplary. There have been two similar instances of carbon monoxide poisoning. First, five waterside labourers were overcome by fumes while working in the hold of a ship, and all five required emergency hospital treatment.

The second incident involved two refrigeration mechanics. I understand that in 1982 a South Australian worker died under similar circumstances. There are 20 victims treated for carbon monoxide poisoning in the metropolitan area each year. A concerned group has queried whether or not it will take another fatality to galvanise action. My questions are:

1. What action has the Government taken to ensure that such potentially fatal incidents do not recur?

2. Will the Government take into account the suggestions that carbon monoxide alarms be used in appropriate situations and that, if necessary, electrically operated fork-lifts be used instead of internal combustion fork-lifts?

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

COORONG BEACH

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about the Coorong beach.

Leave granted.

The Hon. J.C. BURDETT: On 19 December 1991 the Coorong beach was purported to be gazetted as part of the Coorong National Park. Constituents in the South-East of the State are very irate at this action of placing access to the beach under the control of the National Parks and Wildlife Service. They raised the matter with the Minister and the Minister responded by letter to Mr A. Gurney of Millicent. This letter, which was received on 18 February 1992, states:

> Thank you for your letter of 23 January 1992 concerning the Coorong beach. I am pleased to respond to the matters you have raised:
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> 1. The gazettal of the Coorong beach was undertaken under the National Parks and Wildlife Act. The gazettal did not designate 'zones'. The zoning will be in accord with the Coorong National Park Plan of Management. The National Parks and Wildlife Act provides for the establishment of zones in plans of management.
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> 2. All national parks are under the control of the Minister for Environment and Planning with management responsibility being the obligation of the Director of National Parks and Wildlife. The National Parks and Wildlife Service is not mentioned in the Act, it is merely an administrative unit assisting the Minister and the Director. Certain National Parks and Wildlife Service staff derive their powers as officially appointed wardens enforcing the Act and regulations.
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> 3. The beach was gazetted as part of Coorong National Park on 19 December 1991. The permit system described in the plan of management will operate under the framework of the National Parks and Wildlife Act.
>
> The beach management arrangements will be only undertaken in accord with the plan of management which was adopted after protracted public debate and consultation. As it is a statutory obligation to conform with a plan of management no other access arrangements are contemplated. If any alterations were, in due course, proposed then such changes can only be implemented by changing the plan of management. This requires public exhibition of any proposals. No changes are currently contemplated.
>
> I hope this information has been of assistance.

Local residents are concerned about access to the Coorong beach. My limited research has indicated that the Minister of Marine has power to acquire water frontages, not the Minister for Environment and Planning. Section 28 of the National Parks and Wildlife Act provides:

> (1) The Governor may, by proclamation—
>
> *(a)* constitute as a national park any specific Crown lands that he considers to be of national significance by reason of the wildlife or natural features of those lands;

That raises the question of whether a beach is Crown land. My limited research has indicated that land between the high and low water marks is under the control of the local council, rather than being Crown land. My questions are:

1. By what authority was this proclamation made?

2. Is it claimed that land between the high and lower water marks is Crown land? If so, by what authority?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back the reply.

PRIVACY

The Hon. R.J. RITSON: Has the Attorney-General a reply to a question I asked on 31 October about privacy?

The Hon. C.J. SUMNER: Yes. I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

> The honourable member asked that I take up the issue of privacy in relation to a Department of Social Security questionnaire with my Federal colleagues. I have received the following reply from the Parliamentary Secretary to the Minister of Social Security:
>
> The department asks its clients questions about their circumstances to ensure that the correct entitlement is being paid. Some of the questions asked may be of a very personal and private nature, such as when they relate to a person's domestic circumstances, but these questions need to be asked to verify entitlement to public funds.
>
> Because of the sensitivity of inquiries about domestic circumstances, the department uses carefully prepared pre-printed forms to obtain information from clients. In the case mentioned by the honourable member, the questions were asked on a one-off questionnaire prepared by a departmental officer to obtain specific information for a particular purpose. This is not the accepted way in which the department operates in these cases.
>
> This action is regretted. The department has written to the client concerned to apologise, and the Manager of the local Social Security office has visited the client. I can assure you that the department is alert to the need to protect the privacy of people. The points raised about the relevance of information collected about third parties, and how this information is handled are well taken. The general issue of client privacy is under continual review and, as appropriate, instructions are issued to staff.

GOVERNMENT FEES AND CHARGES

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Small Business a question about Government fees and charges.

Leave granted.

The Hon. R.I. LUCAS: One of the sure signs of a Government in decline is the number of leaks that emanate from the Public Service, and when the leaks start coming from within the Premier's own office you really know that the Premier must be in trouble. Yesterday my source within the Premier's Office supplied me with an exchange of correspondence between the Premier's Office and the Office of the Minister of Small Business. I will refer briefly to that exchange of correspondence. On 22 January this year, the Minister's office wrote to the Economic Adviser to the Premier and said:

> For the Minister of Small Business's information, it would be appreciated if you could provide a copy of the following parliamentary briefing notes which I understand are being prepared for the Premier: fees and charges, GST and small business. Additionally, if there are any Treasury briefings prepared for the Premier on bankruptcy statistics I would appreciate receiving a copy of that also.

On 13 February 1992 the Economic Adviser to the Premier wrote back to the Minister's office, and I refer to just part of that memo:

> A brief on fees and charges has not been prepared for the Premier for this sitting as it is not considered a priority issue at

this stage. I believe that Ian Newberry has some good material on the impact of the GST on small business.

The memo continues, and is signed by Mr Garrand. Does the Minister accept the view of the Economic Adviser to the Premier that, in the midst of the worst recession in Australia since the Great Depression, fees and charges on small business are not considered a priority issue at this stage?

The Hon. BARBARA WIESE: This is just another in the long line of juvenile questions being asked by the Hon. Mr Lucas in this place. Even a cursory reading of the document that the honourable member—

The Hon. R.I. Lucas: Have you seen it?

The Hon. BARBARA WIESE: No, I haven't seen the document. But, even a cursory reading of the honourable member's document would give the impression that was trying to be imparted—which I assume would be that fees and charges are not an issue at this time of the year: in other words, there is no new information available on the question of fees and charges at this time of the year. Even the Hon. Mr Lucas must be aware that the vast majority of increases in Government fees and charges—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable Minister.

The Hon. BARBARA WIESE: —occur at about the time of the beginning of the financial year or in line with budget decisions that are made by the Government. Therefore, the decisions that were last made—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Minister.

The Hon. BARBARA WIESE: The decisions that were last made on Government fees and charges were made in the middle of last year, and those fees and charges will apply for a period of 12 months. Therefore, I imagine that the point being made by an officer would be that at this stage there is no new information to provide on the question of fees and charges. Whatever mischief the Hon. Mr Lucas wishes to make of this matter is quite unhelpful and, I am sure, unwelcome to members of the business community.

STA BUSES AND RAILCARS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question relating to STA's new buses and railcars.

Leave granted.

The Hon. DIANA LAIDLAW: On 4 April last year I asked the Minister how the Government intended to pay for the purchase of 300-plus new MAN buses it had ordered that week, at an estimated cost of $76 million. In reply, the Minister advised that sale and lease-back arrangements were being considered as possible methods of financing the purchase of these buses. Those lease-back arrangements would be negotiated through the South Australian Financing Authority and involve third parties.

I therefore ask the Minister whether a decision has been made whether or not sale and lease-back arrangements negotiated through SAFA and involving overseas parties will be used as the method of financing the purchase and, if so, what are the terms and conditions of the finance package and what overseas third party is, or parties are, involved? With respect to the 50 new 3 000 class railcars, of which I understand the first is due shortly and the total cost is $142.9 million, are these railcars to be the subject of a financial package arranged through SAFA involving sale and lease-back arrangements and, if so, what are the terms and conditions, and what overseas third party, if any, is involved? I suspect that a decision has been made on this, considering that the new cars are due shortly.

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

SCHOOL FIRES

The Hon. J.C. IRWIN: Has the Attorney-General an answer to my question of 24 October about school fires?

The Hon. C.J. SUMNER: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Emergency Services and the Minister of Education have provided the following responses:

1-3. A Building Advisory Committee Working Party on Education Buildings is currently considering a range of issues including water supplies, smoke and/or other alarm systems and sprinkler systems. The Education Department is represented on this Working Party by the Manager, Asset Management Branch. An officer from the Fire Safety Division of the Metropolitan Fire Service is a member of this Working Party and it includes representatives from the non-government schools sector.

The issues are being discussed in the context of the Building Act, the Regulations under the Act inclusive of the adoption of the Building Code of Australia, risk management approaches and budget implications of compliance.

The Education Department is addressing these issues through the Working Party, the introduction of School Watch, increased security coverage and administrative instructions as an integral part of its operations.

4. A number of recent fires involving schools have had an inherent problem with the availability of adequate water supplies. MFS Officers often become frustrated because of the additional time required to relay pump sufficient water to extinguish the fire. This also requires additional resources in the form of firefighters and pumpers. There is inherent danger in extinguishing any large structure fire, however safety procedures are in place to attempt to minimise the risk to firefighters.

SCHOOL CLOSURES

The Hon. M.J. ELLIOTT: Has the Minister for the Arts and Cultural Heritage an answer to a question I asked on 20 November about Government school closures?

The Hon. ANNE LEVY: I seek leave to have the reply to this question inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Education has advised that proceeds from the sale and redistribution of Vermont High School assets were used for the restructure and redevelopment of schools in need of urgent upgrading and improvements. As a result $3.22 million was able to be channelled toward improvement of facilities for other students.

The teaching and ancillary staff provided at Vermont High School are formula based in relation to enrolments and therefore salaries for teachers are transferred along with movement of students to neighbouring schools.

Savings achieved from administering the Vermont High School such as principal salary, clerical and grounds and other utilities costs have been redirected to provide improved services in other educational programs.

In relation to students in the area such as those from Forbes Primary School, parents have a freedom of choice between Plympton High School, Hamilton High School or Marion High School which are in the immediate district. Of course, parents may also choose more distant schools such as Unley High School and Mitcham Girls High School, which are accessible via existing transport services. As adequate transport services exist in the area, there is no need to redirect funds to provide additional transport.

The availability and accessibility to other neighbourhood schools is taken into account in the closing of Government schools. Consultation with the school community occurs, prior to decisions of closure, in relation to the availability of alternative schooling for all of the students at the schools.

The Minister of Transport has informed me that the former Vermont High School was located close to Route 243 buses via Marion Road, Route 241 buses via Towers Terrace, the Glenelg tramline and the Circle Line.

When the school closed, there was no reduction in the level of regular public services.

When the Glengowrie and Mitchell Park High Schools combined to form Hamilton High School in January 1991, the Education Department recognised the significant economic advantage gained and subsequently arranged funding for the STA to provide a morning and afternoon service on a charter basis.

As the honourable member will know, the State Transport Authority regularly monitors the passenger demand on bus, tram and train routes throughout its area of operation. If necessary, adjustments are made to service levels to ensure that the capacity provided, particularly during peak periods, is consistent with the passenger demand.

This strategy will continue when education institutions resume activities in 1992 following the revision of free student travel.

MULTITRIP TICKETS

The Hon. DIANA LAIDLAW: My question is to the Minister representing the Minister of Transport following the decision last August to re-introduce fares for students travelling on STA services:

1. What is the STA's policy in respect to appointing schools to act as agents for the sale of multitrip tickets to students?

2. Why has the STA appointed (apparently, selectively) some State schools to act as ticket agents but failed to act on similar requests by independent schools?

3. Which State schools have been recruited to date to sell multitrip tickets to students and in each respect what commission does the school receive on the sale of each ticket?

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

HIV/AIDS

The Hon. BERNICE PFITZNER: I move:

That:

1. A select committee of the Legislative Council be established to inquire into and report on HIV and AIDS in relation to—

(a) its pathology and epidemiology;

(b) existing legislation for its control;

(c) the relevance and implications for South Australia of AIDS and HIV data analysis obtained nationally and internationally;

(d) the degree of risk of infection from health workers to patients/clients;

(e) the degree of risk of infection from patients/clients to health workers;

(f) the rights of infected persons;

(g) the rights of non-infected persons especially in the context of health care, contact sport and pre-school and primary school settings;

(h) the philosophy and practice of 'universal precautions' by health workers in hospitals.

2. Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

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

We have suddenly become acutely aware of AIDS (acquired immuno-deficiency syndrome) the disease and HIV (human immuno-deficiency virus), the virus causing the disease due to the unfortunate episode of the dentist with AIDS. Information concerning his condition was not given to the practice or to his patients. It is current theory that the virus called HIV arose in Africa, perhaps crossing over from an animal population to become a human infection, or it may have been in the human initially and the virus may have changed to be of a more virulent character, thus causing disease in humans. This was recognised in the early 1960s. In America and Europe the disease AIDS was recognised in 1981 and 'it was clear that a major epidemic had begun' (quoted from the *New England Journal of Medicine*, May 1991).

In Western Europe and America, the epidemiological (epidemiology is the study of epidemics and the causes and effects of diseases affecting population), pattern of AIDS cases is in the majority among homosexual and bisexual men and intravenous drug users. Other risk groups are haemophiliacs and those with coagulation disorders, children of infected parents and general patients having had infected blood transfusions. In Africa, heterosexual activities appear to be the primary mode of transmission. The distribution by sex in Africa is approximately equal. In Australia, Canada and New Zealand the epidemiological pattern is the same as it is in the United States and Western Europe. The text book on HIV disease for the University of California and the San Francisco General Hospital, states:

> The epidemic was manifest early in Australia, which continues to be among the countries reporting the largest number of cases.

However, after stating the epidemiological pattern, one must emphasise, and keep emphasing, that it is not so much the sexual preference of a group but more the at-risk behaviours of unsafe sex and the sharing of needles which need to be addressed. There are, of course, the passive victims, those children of infected parents, those inadvertently transfused with infected blood and, lately, the health care worker through occupational transmission.

The United States experience is worth noting, as Western Europe and Australia appear to be following a similar epidemiological pattern. There is the doubling time, which is the length of time required to double the number of reported cases. When the epidemic was at its highest in 1982 and 1983, the doubling time was six months. It is now more than a year. I seek leave to have two tables, purely statistical in nature, inserted in *Hansard*.

Leave granted.

TABLE 1. DOUBLING TIME FOR REPORTED CASES FROM 1981 THROUGH 1987

Date	Cumulative Cases Reported	Doubling Time (months)
June 1982	439	6
December 1982	878	6
July 1983	1 756	7
February 1984	3 512	8
December 1984	7 025	9
October 1985	14 049	11
December 1986	28 098	13
December 1987	49 006	15+

Table 2 shows the growth of the epidemic by year within each risk group.

TABLE 2. UNITED STATES AIDS CASES REPORTED BY YEAR BY PATIENT GROUP

Patient Group	CASES REPORTED BY JANUARY OF: 1982	1983	1984	1985	1986	1987	1988	1989
Homosex/bisex men/IV drug users	16	66	211	418	599	2 260	3 858	5 874
Homosex/bisex men/no IV drug use	178	473	1 341	2 939	5 669	19 079	33 369	50 325
IV drug abusers	22	138	392	785	1 429	4 951	8 877	16 151
Hemophilia/coagulation disorder	—	7	10	38	69	252	519	773
Heterosexual cases	1	10	18	53	100	1 110	2 058	3 589
Transfusion, blood/components	—	6	28	56	171	544	1 206	2 044
Undetermined	3	28	76	131	348	918	1 580	2 662
Born outside U.S.*	7	48	85	114	144	—	—	—
Subtotal	227	776	2 161	4 534	8 529	29 114	51 467	81 418
Pediatric	—	16	35	48	132	422	789	1 346
Total	227	792	2 196	4 582	8 661	29 536	52 256	82 764

* This category was eliminated by CDC in August 1986 and integrated with heterosexual cases.

From *The AIDS Knowledge Base*, Aspen et. al.

The Hon. BERNICE PFITZNER: At present in the United States there are approximately one million HIV infected persons of whom approximately 125 000 have AIDS (reference, New England *Journal of Medicine*, May 1991). There have been over 100 000 deaths already. Currently, 57 per cent of reported cases are known dead. Recent data suggest that the epidemic spread of HIV infection among homosexual men has greatly slowed, possibly due to 'safe sex' practices. However, the epidemic among intravenous drug users is still increasing rapidly. The heterosexual cases in the U.S.A. are also increasing. There are two models for the future of the epidemic in the U.S.A.: first, the African model—a sexually transmitted disease spread bi-directionally between males and females. This heterosexual transmission is most likely seen in intravenous drug user populations. Secondly, the hepatitis B model—hepatitis B is transmitted the same way as AIDS in the United States and has an epidemiological pattern similar to that of AIDS with infection in risk groups and relatively little spread outside those groups. Which model will Australia be? We need to learn for future community health preventative planning.

Now, I turn to the home scene, both nationally and in South Australia. We note that up until November 1991 there was a total of 3 068 cases of AIDS of which 122 were in South Australia (4 per cent). There have been 1 925 deaths from AIDS to date of which 60 were in South Australia (2 per cent). There are 15 458 HIV infected persons, of whom 466 are in South Australia (3 per cent). The epidemiologic pattern is—male homosexual/bisexual contact, 86.2 per cent; male homosexual/bisexual contact plus intravenous drug use, 2.5 per cent; intravenous drug use female and heterosexual male, 1.8 per cent. These statistics are from the National Centre in HIV Epidemiology and Clinical Research. Mr President, I seek leave to include tables 1.1, 1.2 and 2.1 of the November 1991 NCHECR and table 2.4 of the October 1991 NCHNCR which are purely statistical.

Leave granted.

THE NATIONAL AIDS REGISTRY

Table 1.1 New diagnoses of AIDS and deaths from AIDS occurring in the period 1 November to 30 November 1991, by sex and State/Territory in which diagnosis was made.

State/Territory	CASES Male	Female	Total	DEATHS Male	Female	Total
ACT	0	1	1	2	0	2
NSW	7	1	8	11	0	11
NT	1	0	1	0	0	0
QLD	2	0	2	0	0	0
TAS.	0	0	0	0	0	0
VIC.	8	0	8	1	0	1
WA	1	0	1	0	0	0
TOTAL	20	2	22	14	0	14

Table 1.2 Cumulative cases of AIDS and deaths from AIDS by sex and State/Territory in which diagnosis was made, to 30 November 1991.

State/Territory	CASES Male	Female	Total	DEATHS Male	Female	Total
ACT	36	2	38	26	1	26
NSW[1]	1 802	58	1 860	1 149	36	1 185
NT	10	0	10	3	0	3
QLD	234	9	243	151	7	158
TAS.	15	1	16	10	1	11
VIC.[2]	623	13	687	393	6	398
WA	134	8	142	80	3	83
TOTAL	2 971	94	3 068	1 870	55	1 925

1. Cumulative cases of AIDS for New South Wales includes two people whose sex was reported as transexual.

2. Cumulative cases of AIDS for Victoria includes one person whose sex was reported as transexual.

THE NATIONAL HIV DATABASE

Table 2.1 Number of new diagnoses of HIV infection in the period 1 November to 30 November 1991 and cumulative since the introduction of HIV antibody testing to 30 November 1991, by sex and State/Territory.

State/Territory	NOVEMBER 1991 Male	Female	Total	CUMULATIVE TO 30 NOVEMBER 1991 Male	Female	Sex not reported	Total
ACT	0	0	0	19	0	97	116
NSW[1]	—	—	—	7 962	407	1 992	10 361
NT	1	0	1	58	6	0	64
QLD	16	1	17	1 123	47	0	1 170
TAS.	0	0	0	52	3	0	55
VIC.[3]	30	4	35	2 508	96	74	2 678
WA	3	0	3	616	32	0	648
TOTAL[4]	50	5	55	12 576	619	2 183	15 458

1. Dashes indicate that counts were unavailable for the period. Cumulative total for New South Wales to 31 October 1991.

2. Cumulative total for South Australia does not include new diagnoses during the period 18 May 1990-9 September 1991.

3. Total for Victoria for November includes one person whose sex was not reported.

4. Total for Australia for November includes one person whose sex was not reported. Cumulative total for people whose sex was not reported includes 10 people whose sex was reported as transexual.

Table 2.4 Cases of AIDS by sex and exposure category, cumulative to 30 September 1991, and for two previous yearly intervals of diagnosis.

ADULTS/ADOLESCENTS (13 YEARS AND OLDER AT DIAGNOSIS OF AIDS)

Exposure Category	1 Oct. 1989-30 Sep. 1990		1 Oct. 1990-30 Sep. 1991		Cumulative to 30 Sep. 1991			
	Male	Female	Male	Female	Male	Female	Total	%
Male homosexual/bisexual contact	523	0	466	0	2 485	0	2 485	86.2
Male homosexual/bisexual contact and ID use	11	0	12	0	73	0	73	2.5
ID use (female and heterosexual male)	6	5	14	5	34	19	53	1.8
Heterosexual contact:	7	4	18	3	33	21	54	1.9
Sex with ID user	0	0	0	0	0	1	1	—
Sex with bisexual male	0	0	0	1	0	6	6	—
From Pattern-II country	2	0	0	0	6	4	10	—
Sex with person from Pattern-II country	1	1	1	0	5	2	7	—
Sex with tranfusion recipient	0	1	0	0	0	2	2	—
Sex with HIV-infected person, exposure not specified	3	1	5	1	9	3	12	—
Not further specified	1	1	12	1	13	3	16	—
Haemophilia/coagulation disorder	14	0	6	0	41	0	41	1.4
Receipt of blood transfusion, blood components, or tissue	7	4	7	1	46	34	80	2.8
Other/undetermined	22	2	15	2	67	7	74	2.6
Total Adults/Adolescents	590	15	538	11	2 779	81	2 860	99.2
CHILDREN (UNDER 13 YEARS AT DIAGNOSIS OF AIDS)								
Mother with/at risk for HIV infection	1	1	1	1	3	4	7	0.2
Haemophilia/coagulation disorder	2	0	1	0	5	0	5	0.2
Receipt of blood transfusion, blood components, or tissue	0	0	0	0	9	1	10	0.4
Total Children	3	1	2	1	17	5	22	0.8
TOTAL	593	16	540	12	2 796	56	2 682	100

The Hon. BERNICE PFITZNER: As members can see from the tables, the pattern parallels America. Let us now look at the traditional methods of control of communicable or infectious diseases. Before we can dwell on the methods of control, we need to know the infectious agent that causes the disease; we need to know its occurrence—is it worldwide, is it lethal, is it debilitating, what is its rate of infection per 100 000 population, how contagious is it, who does it affect, in what situations, etc.? In other words, its pathology—the study of the disease—and its epidemiology—the study of epidemics. We need to know whether the disease agents are only in humans or also in animals; and, if in animals, in which animals.

We need to know the mode of transmission. Is it by airborne droplets of sputum. Is it by body fluids, is it by ingestion of infected food? We need to know the disease incubation period, that is, the period from the infection to demonstrable lesion or illness. We need to know the period of communicability; we need to know the susceptibility and resistance. Only then will we be able to recommend methods of control. Traditionally, the methods of control fall in the broad groups of:

(a) preventive measures:
—from social conditions;
—immunisation;
—education;
—screening.
(b1) control of patient:
—reporting;
—isolation;
—disinfection;
—specific treatment.
(b2) control of contacts:
—follow-up contacts.
(b3) control of environment:
—source of infection, for example, animals;
—follow-up of carriers of infections.

This traditional medical model is inadequate for the control of AIDS as the issues are not only medical and economic, as the other communicable diseases have been, but they are also social; and such social issues are unique to AIDS and HIV infection.

Not since the polio epidemic of the early 1950s have we been faced with a nationwide and worldwide health problem such as this. However, it is different from polio. We now have to consider not only the medical factors but the social factors. If only medical factors were involved, the medical model would adequately address the issue, as the medical profession has had the experience of communicable disease from plague and leprosy through to smallpox, typhoid and cholera, to polio and TB. However, the characteristics of AIDS are different. There is no cure; there is no vaccine for immunisation, the incubation time is long. It varies from four months to 10 years, but the average incubation period is eight to 10 years. The people who are infected are those who practise high risk behaviour, that is, unsafe sex, numerous sexual partners, intravenous drug use, and those who are infected through no fault of their own. These passive or innocent victims are haemophiliacs or coagulation disorder patients, children of HIV infected parents, infected blood transfusion recipients and those infected through occupational transmission.

These characteristics throw up issues of confidentiality for fear of discrimination against HIV infected persons, issues of protection of the general community, and issues of liability for non-disclosure and disclosure of HIV infected people in different settings. As regards some of the legal issues posed by HIV disease, confidentiality and disclosure is foremost. As the Americans put it, there is 'the duty to keep silent'. Further questions with regard to this statement are: who is covered? What type of information is covered? What disclosures are permitted for treatment? Should one disclose for insurance purposes, etc.? Then there is the duty (and the right) to disclose, and further questions with regard to the statement are: what are the requirements of reporting? Can the infected person be identified? What is the duty to warn? What are the criteria for warning? Who has the duty to warn, etc?

How shall we manage this disease? Should we test (or screen) the people in the high risk category, then report the infected cases, and then trace the contacts, as per the traditional medical method, or should we apply the confidentiality code vigorously to protect those infected with HIV?

Marcia Angell MD makes a point that newborns in America are more commonly infected with HIV than with syphilis and an enzyme disease called PKU, yet we routinely test and screen newborns for syphilis and PKU diseases and not for HIV disease. This is also the practice in Australia. Is she right?

The Hon. Anne Levy interjecting:

The Hon. BERNICE PFITZNER: The Minister is quite right, but it is a way of identifying early in the peace persons infected and there are now in place certain treatments that can prolong the life of the person. The earlier the disease is found, the better will be the prognosis.

Is Marcia Angell right when she suggests systematic tracing and notification of the sexual partners of HIV infected persons and testing of pregnant women, newborns, hospitalised patients and health care patients? These are some of the controversial queries that I guess have drawn some response from the Government opposite. In Australia, under the Public and Environmental Health Act 1982, schedule 1, Notifiable Disease, and schedule 2, Controlled Notifiable Disease, I understand that AIDS, and, only six months ago, HIV disease are both in schedule 1 and schedule 2. This gives the South Australian Health Commission the authority to institute control of the infected person and trace the contacts. However, the Act uses such terms as:

> all reasonable measures to prevent transmission;
> inform a local council . . . of any notifiable disease . . . that constitutes or may constitute a threat to public health;
> the commission is of the opinion that the person shall take . . . certain action.

These are flexible terms. Are they appropriate and sufficiently effective to control the transmission of AIDS and the HIV disease? Marcia Angell concludes:

> With any increase in testing (screening) . . . the spectre of discrimination arises once a person is known to be infected. Only if such discrimination . . . is countered . . . can we pursue the basic elements of infection control more resolutely and so spare others the tragedy of this disease?

Further, Ronald Bayer Ph.D. in the New England *Journal of Medicine* (May 1991) argues the phenomena of the 'exceptionalism' of this communicable disease to the traditional practices of public health. Perhaps those traditional practices were inappropriate, whilst we tried to grapple to protect the infected from discrimination. However, now with the community understanding the need for confidentiality and non-discrimination, and the community, at times, feeling threatened, and with advances in treatment to slow the course of HIV progression, Ronald Bayer suggests that there may be 'a willingness to consider traditional public health approaches to testing (screening), reporting and partner notification', especially as early identification of those with HIV infection will produce a better outcome. However, Bayer warns:

> Were an end of HIV exceptionalism to mean a reflexive return to the practices of the past, it would represent the loss of a great opportunity to revitalise the tradition of public health so that it might best be adapted to face the inevitable challenges posed not only by the continuing threat of AIDS but also by threats to the communal health that will inevitably present themselves in the future.

Finally, I would like to raise the current issue of the potential for transmission of HIV in the health care setting, either from patient to the health care worker or from health care worker to patient. This occupational transmission has seen highly publicised lawsuits in America. Needle-stick injuries are the most common in the occupational exposures. In St Vincent's Hospital, New South Wales, 1990-91, there were 144 occupational exposures, and the majority of these were due to needle-stick injuries. A rather complacent attitude is present towards these occupational exposures, possibly due to the fact that the frequency of being infected by a needle-stick injury is only .4 per cent. However, with health care workers involved in surgery and in anaesthetics, with thousands of patients being treated, the cumulative effect may be as high as one in 25 (*Lancet*, Vol. 336).

Lately, the HIV infected health care worker is under scrutiny. Questions to be asked are:

1. Practice issues: Should HIV infected health care workers be allowed to practise? Should the practice of HIV infected health care workers be restricted?
2. Disclosure issues: Should an HIV infected health care worker routinely be required to notify patients of his or her HIV status? How should a health care worker respond to a direct inquiry about his or her HIV infection status?
3. Exposure management: Should the health care worker having exposed the patient to his or her blood be required to undergo HIV testing? Should an inadvertently exposed patient be notified of the exposure?
4. Testing issues: Should all health care workers be routinely tested for HIV infection?

As Troyen Brennen of Boston's Women's Hospital writes:

> The development of appropriate policies will be challenging, both intellectually and financially. As the HIV epidemic deepens, occupational transmission will occur more frequently. In the absence of ready responses, unnecessary litigation will debilitate those who are trying to care for patients with HIV infection. From a practical point of view, it is in our interest to take the initiative.

In conclusion, I draw members' attention to the motion, which is a complex one, as AIDS and HIV is a complex disease. Let us look at each term of reference individually. Paragraph *(a)* requires us to be informed about the pathology (that is, the study of the disease, its causes, processes, development and consequences) and about the epidemiology (that is, the study of epidemics, its causes and the distribution pattern in the population). Some have raised that perhaps this term of reference is too medical. I think not. We will have medical jargon explained to us in clear and intelligent laymen's terms, as what is more important than knowing the root cause of a disease. No, this public health concern is too important for others to fob us off and to try to blind us with science.

Paragraph *(b)* requires us to be familiar with existing legislation for its control, but most of all we need to know how the South Australian Health Commission is applying the legislation stipulated in the Public and Environmental Health Act 1987. Paragraph *(c)* regarding statistics is always important for validation of a position or a decision. We will have the statistics explained in terms of its relevance and implications. Paragraphs *(c)* and *(d)* regarding the degree of risk of infection have been discussed earlier. However, how will we arrive at the degree of risk and concern that we must meet for the community?

With regard to paragraph *(f)*, the rights of the infected person have been in the forefront, and so they should be. Infected people need to be protected from discrimination and hysteria in the areas of their jobs, housing, schooling, social interaction, etc. Paragraph *(g)* concerns the rights of the non-infected person, especially in health care, which have been brought sharply to focus by the Adelaide dentist suffering from AIDS. 'Magic' Johnson's revelation recently has raised our awareness of possible risk during contact sport, and we all know of the 'innocent' preschool and primary schoolchildren and their difficulty in the school setting.

The last term of reference appears rather technical, but it is not at all. Universal precautions in hospitals take the attitude that all patients are potentially HIV positive, and the type of precautions are spelt out, for example, the use of eye shields, double gloving, waterproof gowns, instrument cleaning, etc. However, in practice, I understand that these precautions vary according to the surgeon and the knowledge of the HIV status of the patient. We need to know what is actually being done in practice. We, as members of Parliament, must be fully informed of all aspects of this disease. An article in the *Herald Sun* on 27 January 1992, headed 'Time for AIDS Honesty' states:

> ... it would probably pay all Australians to learn the facts about AIDS and its transmission in our society.

As we attempt to control and hopefully eventually eradicate this most ubiquitous disease through strategies that eliminate the sexual, parenteral (injection) and vertical (parent/newborn) transmission, we must be well informed so that we can make decisions on strategies that are beneficial to the community as a whole, and be able to counter vocal minorities that have other agendas.

A select committee seems to be more suitable than the recently established standing committees, due to the fact that this issue is complex. It involves both social development issues and legal issues, as well as medical issues. In closing, I urge my colleagues to join me in supporting this motion. The resulting information will serve to give us a knowledge base of AIDS and HIV disease. This knowledge will enable us to make difficult decisions in an informed and dispassionate manner.

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

PUBLIC TRANSPORT

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council—

1. Censures the Minister of Transport for his arrogant pursuit of policies and practices that are undermining the quality and quantity of public transport services in the Adelaide area and are repelling South Australians from utilising the system.

2. Demands that the Bannon Government reverse its negative reactive approach to the management and promotion of public transport so that once again regular passengers and prospective users have access to a safe, clean, user-friendly public transport network in the metropolitan area at a cost that both the travelling and taxpaying public can afford.

(Continued from 12 February. Page 2660.)

The Hon. DIANA LAIDLAW: I would have thought that the second part of this motion was not such an impossible objective but, under the hand of the current Minister of Transport, it appears that it is mission impossible. That conclusion is certainly shared by those people who participated in a Liberal Party phone-in last Sunday 16 February. In summing up this motion today, I will address some of the findings of that phone-in.

On the morning of Friday 14 February, Liberal Party members went to the streets handing out brochures highlighting the fact that the phone-in would be conducted on the following Sunday. It was very interesting that most people took a brochure when it was first offered. Some walked by but, when advised that it related to a public transport phone-in, came back and took not one but often took many brochures. Bus drivers got off their buses to take them back to the depots or to circulate them to their friends because they were anxious to have an opportunity to have a say in the design and operation of our public transport system in this State. They are cross that they are not being provided with a say at the present time. Also, they are angry that the Minister and STA senior management are imposing measures that are absolutely unique in the world in terms of the operation of a public transport system and in the sense that they are outrageously user-unfriendly and are designed either directly or indirectly to repel people from wishing to use that service. It is quite extraordinary to think that this State Government, which once promised vision, light and flair, now has such a reactionary, negative, destructive approach to the operation of public transport in this State.

Perhaps the best way to sum up the phone-in is to identify the first thing that a Liberal Government could do in terms of a favour to the people of this State. Even as an Opposition, we could give Mr Blevins a one-way ticket to return to London. I cannot repeat—

The Hon. Anne Levy: He's from Manchester!

The Hon. DIANA LAIDLAW: Well, London and the United Kingdom. I don't care. The people in this phone-in wanted him out of this city, State and country. Out of the country as soon as possible was the conclusion, and a one-way ticket—

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. DIANA LAIDLAW: Unlike Mr Blevins, who will not provide train travellers with access to a ticket, I would be happy to provide him with access to a ticket. If I had taken around a tin, I assure members that in no time it would have been filled with coins, because the people were just so furious.

The Hon. Anne Levy: He's an Australian.

The Hon. DIANA LAIDLAW: He is an Australian, but according to—

The Hon. Anne Levy: No buts!

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —a number of Australians he is a disgrace to Australia.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. DIANA LAIDLAW: Having been born in England myself, I am quite happy to say that the people who responded to this phone-in would within a few minutes have filled that collection tin to overflowing. He is seen as a disgrace to Australia and as destructive to public transport. My grandmother's upbringing would not allow me to use the words uttered to us over the telephone to describe Mr Blevins.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. DIANA LAIDLAW: Perhaps they are used to that language in the left wing of the Labor Party, but I assure members opposite that I am not used to it. But, it was language used freely over the phone. Also, there was so much demand from people wanting to have a say about the design and operation of our public transport system that on two occasions Telecom had to phone to see if there was something wrong with our telephones because people were ringing Telecom to say that they could not get through. That is an indication of the wish of the general public in this State to be heard and to have a say about public transport.

Members opposite might be interested to see the forms that were filled out by these people. I would say that seven-eighths of the phone calls came from Labor electorates, and that was particularly interesting. Not too many phone calls came from places such as Medindie or Gilberton or the electorates of Mitcham, Bragg or Coles. Over and over we were told by the people who phoned in that although they had voted Labor all their lives they would never do so again, and that same view is reflected in the recently conducted *Advertiser* and *Bulletin* polls.

I am not surprised that members opposite are vocal; they

should be upset about what is happening to their traditional supporters who are dependent on public transport, or if they are not dependent at present have used it in the past and wish to see it available for others to use in the future. The people who phoned in also said that they believed in social justice; that they had supported the Labor Party which had a platform of social justice but that they see no social justice in what the Minister of Transport is doing to public transport in this State.

I now refer to a number of issues that were raised in the phone-in. Without question the curfew was at the top of the list. Those who phoned in included police officers, nurses, shift workers and students. The younger people of this State who phoned in said that the Government had been telling them to go out and find a job or get further education, that they were seeking or had found a job and that they were seeking or had gained one of the few places available for them in education in this State, but now the Government was telling them that buses would not operate after 10 p.m. to get them home.

Unlike the Hon. Mr Blevins, people born overseas who do not have English as a first language often seek to improve conditions for their children, with the husband working during the day and the wife cleaning at night. A number of women phoned in and said that there was no point in their cleaning at night if the curfew were imposed because all the money they earned would go in taxi fares to get them home because their husband could not pick them up and leave the children.

I think that the 10 o'clock closure of public transport from Sunday to Thursday is an absolute disgrace and so out of touch with the real world—that was the very strong view of those who phoned us. Another issue raised over and over again was access to tickets. We learnt how people hail a bus, buy a ticket, get off the bus and then use a train. What could be more stupid than a system such as that? Yet, that is the basis—

The Hon. R.R. Roberts: I am sure you will think of something.

The Hon. DIANA LAIDLAW: I believe that the imagination of STA's senior management and the Minister can know no bounds if they come up with such ridiculous systems for the operation of user-friendly public transport. It is hard to believe that their minds are so fertile in making a system so unattractive. We heard from women who live in the Hills and who occasionally come to the city, to shop or for appointments, on a train from Belair or Blackwood. Now they do not know where to get a ticket because they are not sure when the shop will be open or indeed whether the same shop is still selling tickets, so they are getting into their car and driving to the city instead. We heard similar stories over and over again.

Another issue raised was fare evasion or freeloading on the trains, although this does not happen quite so often on the buses because people have to pass the driver and validate their ticket. However, since May, when the Hon. Mr Blevins decided to phase out guards and phase in driver-only trains and transit squad officers, we heard that fare evasion had become very pronounced. This advice came not only from regular passengers on the trains but also from STA employees. The fact is that inspectors—they are now called field supervisors; they have been elevated in title but not in number—are few and far between, and commuters know that. So, when they see a field supervisor getting on a train they get off and wait for the next train.

I was told of instance after instance where, after an inspector had boarded a train, one could nearly be killed in the rush by people trying to get to the validating machine because they had not validated their tickets; that people are travelling free and getting more than 10 rides for their multitrip ticket. The STA is losing a considerable amount of money because of this practice. Also, we were told of many instances where the Crouzet validating machines did not work properly. One STA employee who worked on the trains told me that on one carriage coming in from Gawler one morning he saw 10 tickets swallowed up by the validating machine. That is an indication that the system is not working well.

The concerns about fare evasion, freeloading and the integrity of the Crouzet system are of critical importance because the number of journeys validated has been used by the STA to make judgments about which lines and routes the STA will be prepared to operate in future and how frequently those services will operate. I know that the Hon. Ian Gilfillan has challenged the Minister's number of 400 as being the average number of people who travel after 10 p.m. That figure of course did not reflect the statistics that the STA had in hand. Although it was based on observation and anecdotal evidence, it did not reflect the number of people actually using the system, and that also would be different from the STA's figure.

I mention briefly the number of STA workers who phoned my office and participated in the phone-in and who have loyally served the STA, some for 20 and 30 years. They are not only disappointed but also disgusted at what is happening with public transport today. The view of many of them is that the Minister and senior management of the STA have a grand design, like Australian National, to get people off public transport, and that they are working conscientiously to downgrade services, reduce numbers and then to use those reduced numbers as an excuse to cut services. They point out that, when people return to their cars, the Government not only saves money on the STA but also makes money, because people driving cars buy fuel and the Government collects the excise. That is the general view of people at the depots and in the workshops, and even in the STA highrise tower on North Terrace.

I would think it was of tremendous concern to members opposite, who have always been interested in workers' rights, harmony at the workplace and good relations between management and staff, to learn of the deep-set resentment, anger and division among STA workers, management and the Minister at the present time. Most people who have worked in any workplace, particularly on a factory floor, would know that, when there is such anger, resentment, disgust and division between work force and management, an operation does not work smoothly in any anybody's interest and particularly it does not work smoothly when that service professes to operate in the public interest. I think that is a critical matter for the Government to address.

The matter of frequency of service was raised repeatedly, and I note that, in a minute issued by the Manager of Service Development, Mr Tom Wilson, on 6 January, the STA is to undertake major changes to services on Saturdays, at night, Sundays and public holidays. Having had many discussions with the operators of public transport in Brisbane, I know that frequency of service, consistency of timetabling and ease of timetabling in terms of understanding the minute that a bus is to be at a certain place are very important in encouraging regular and return usage of public transport. With respect to the Hills services, this issue was raised by many people who used the phone-in. The Government has decided that it will not operate a number of the 800 services to the Adelaide Hills and it has decided to call tenders for these services.

I note that the Government has provided only one month for the advertising for and the closure of tenders, which seems to be a particularly insensitive length of time, recognising that the competitive tendering for services has not

been a matter that the Government has ever encouraged. It is a totally new concept, and much work has to be done if this initiative of competitive tendering that the Government has now launched is to work in the public interest. As most people who have an interest in public transport believe today, the Government does not actually want it to work, because it is not interested in servicing the public interest.

I would also indicate that, in terms of the Hills services, the Government is deliberately putting Hills passengers at an enormous disadvantage in terms of accepting a new operator for those services, because the fares will increase immediately as a result of the Government's decision alone. Members opposite may not appreciate the fact that concession fares reimbursed by the Government to private sector operators of bus services are at 40 per cent, whereas the Government reimburses the STA 50 per cent; so, notwithstanding the subsidies that we provide on operating costs, reimbursements from the Government are far more advantageous to the STA operating the same service on the same routes than they are for any future operator running those same services and same routes, because the Government will not reimburse that private sector employer as much as the STA, in terms of concession fares. So the people themselves will be paying more, not because of the private sector operating the service, but because the Government will not be reimbursing the operator at the same level.

I want to sum up by referring again to this issue of the curfew. I noted in the *Advertiser* last Monday that Transport Minister Mr Blevins was sceptical about a pledge that I had made on behalf of the Liberal Party to reinstate services after 10 p.m. I am not surprised that Mr Blevins is sceptical about such a promise, because he just does not seem to believe that others are prepared to keep their promises. Certainly, by his own example, he has not been prepared to do so, and I cite just the free transport for students as one such example. Free travel for aged pensioners or other pensioners on public transport was something that he also said that he would continue to offer to aged pensioners.

It was an issue that the Liberal Government had introduced, that is, free travel during inter-peak hours, but Mr Blevins removed that from aged pensioners. He offered free travel to students and he again removed that. So, Mr Blevins, perhaps because he cannot keep his promises to the people, does not believe that others have any integrity and will keep theirs. But I can assure members and the general public that if I make a commitment on behalf of the Party that commitment will be kept.

The Hon. I. Gilfillan: We will remember them.

The Hon. DIANA LAIDLAW: That is right, and I just hope that the Liberal Party is in Government sooner rather than later so that we do not have to rebuild absolutely from scratch or from the ruins or ashes of what Mr Blevins has left of our public transport system. The public were reassured when they phoned in to the Liberal Party last Sunday that their comments, feedback and considered views would not be wasted, that they would be acted upon by the Liberal Party and assessed by the Liberal Party. I have already started that process. The comments will be assessed and acted upon in terms of a statement that the Liberal Party will be issuing on passenger transport in April.

Again, I publicly record my thanks to the many people who took time to participate in this phone-in and also I commend the others who are agitating for improvements in public transport services. Certainly, while many of the people who phoned in last Sunday had many angry things to say and were very critical about the deterioration of services and the poor standard of current services, their comments can also be looked on in a positive light if one seeks to address those grievances. It is my determination that that will be so, as far as the Liberal Party is concerned.

It is important that my motion is supported by this Council so that members of the public in this State can believe that at least in the Legislative Council they have members of Parliament who have some integrity, who are prepared to listen and who have the interests of public transport users and prospective users at heart.

The Hon. T. CROTHERS secured the adjournment of the debate.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA ACT

Order of the Day, Private Business, No. 22: Hon. M.S. Felepa to move:

That regulations made under the Senior Secondary Assessment Board of South Australia Act 1983 concerning certificates and fees, made on 27 June 1991 and laid on the table of this Council on 8 August 1991 be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

METROPOLITAN TAXI-CAB ACT

Order of the Day, Private Business, No. 23: Hon. I. Gilfillan to move:

That regulations under the Metropolitan Taxi-Cab Act 1956, concerning consumer safety and service, made on 13 June 1991 and laid on the table of this Council on 8 August 1991, be disallowed.

The Hon. I. GILFILLAN: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PARLIAMENT (JOINT SERVICES—PROHIBITION ON SMOKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 February. Page 2662.)

The Hon. M.J. ELLIOTT: I share the views of some members who actually opposed this Bill, that it is most unfortunate that we should be in a position of having to debate such a Bill in this place. It is a position that in part has been forced upon us by the lack of willingness of some members of this place to abide by what already were clear instructions given in some quarters. This is not a question of the right to smoke but a question of the recognition of other persons' rights not to be invaded by smoking. As I said, it is unfortunate that we have come to this position. The arguments have been laid out clearly enough and I hope that members will support the Bill.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2853.)

The Hon. J.C. BURDETT: I rise to speak briefly to this Bill. I support the second reading. The Hon. Mr Griffin dealt with every aspect of the Bill in detail, so I do not

propose to do likewise. I want to comment about a couple of aspects of the Bill, the first of which relates to proposed new section 238, which is entitled 'Acting improperly'. The Hon. Mr Griffin pointed out that this proposed new section introduces a new concept. Proposed new section 238 (1) provides:

For the purposes of this Part, a public officer acts improperly, or a person acts improperly in relation to a public officer or public office, if the officer or person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind, or by others in relation to public officers or public offices of the relevant kind.

The important matter concerns proposed new section 238 (2), which provides:

The determination of the standards referred to above is a question of law to be answered by judicial assessment of those standards and not by evidence of those standards.

So, in a sense, it becomes subjective to the bench. The judge is not allowed to inform himself, by evidence, of the standards; he must use his judicial assessment and deal with the matter as a question of law. This seems to me to introduce an element that one may say is subjective to the bench: it relies on the assessment of the individual judge as to what are 'the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed'. Certainly initially, it will depend very much on the individual judgment of the judge. No doubt, in time, precedents will be established and there will be a body of precedent to assist the individual judge, but this will not be so to start with.

I do not see any need to introduce this new concept or to require the judge to determine it as a question of law and not by evidence. This matter is important, because some offences carry penalties of up to seven years imprisonment. I will be interested to hear what the Attorney has to say in reply. I have not determined what my attitude on this matter will be, but it is a matter that I would like to see further addressed.

A quick perusal of the Bill—and this will not be exhaustive—indicates that the relevant proposed new sections that use the term 'improperly' are as follows. Proposed new section 246 (1) provides:

A person who improperly gives, offers or agrees to give a benefit to a public officer or former public officer or to a third person as a reward or inducement for—

(a) an act done or to be done, or an omission made or to be made, by the public officer or former public officer in his or her official capacity;

or

(b) the exercise of power or influence that the public officer or former public officer has or had, or purports or purported to have, by virtue of his or her office,

is guilty of an offence.
Penalty: Imprisonment for 7 years.

Proposed new section 246 (2) provides:

A public officer or former public officer who improperly seeks, accepts or agrees to accept a benefit from another person (whether for himself or herself or for a third person) as a reward or inducement for—

(a) an act done or to be done, or an omission made or to be made, in his or her official capacity;

or

(b) the exercise of power or influence that the public officer or former public officer has or had, or purports or purported to have, by virtue of his or her office,

is guilty of an offence.
Penalty: Imprisonment for 7 years.

Proposed new section 248 provides:

A public officer who improperly—

(a) exercises power or influence that the public officer has by virtue of his or her public office;

(b) refuses or fails to discharge or perform an official duty or function;

or

(c) uses information that the public officer has gained by virtue of his or her public office—

with certain intentions. Again, the term of imprisonment is seven years. Proposed new section 250 (1) provides:

A public officer who improperly exercises power or influence that the public officer has by virtue of his or her office with the intention of—

(a) securing the appointment of a person to a public office; or

(b) securing the transfer, retirement, resignation or dismissal of a person from a public office,

is guilty of an offence.
Penalty: Imprisonment for 4 years.

Proposed new section 250 (2) provides:

A person who improperly—

(a) gives, offers or agrees to give a benefit to another in connection with the appointment or possible appointment of a person to a public office;

or

(b) seeks, accepts or agrees to accept a benefit (whether for himself or herself or for a third person) on account of an act done or to be done with regard to the appointment or possible appointment of a person to a public office,

is guilty of an offence.
Penalty: Imprisonment for 4 years.

So, I ask the Attorney why the concept of 'improperly' was introduced; in what way was the previous concept of 'corruptly' inadequate and why was the previous law in this regard considered to be inadequate; and what ill had to be addressed, particularly against the background that this question must be judicially assessed as a matter of law by a judge and without evidence in the particular case?

The Hon. Mr Griffin also addressed the matter with respect to loitering offences. He proposes to introduce amendments in similar form to those which have been moved previously in this place. It seems to me that one of the current problems experienced by the police is that there are not adequate loitering provisions in the law. The ability of a police officer to make a person move on (which used to be provided in the law some years ago) would make it much easier for them to prevent the kind of law and order problems which commonly occur in our streets. If they do occur, they would be able to bring the offenders to justice.

When people are likely to cause a disturbance simply by making a nuisance of themselves, for instance, it would assist the police greatly if they had the ability to move such people on; otherwise they commit an offence. It is my observation that, at the present time, the police need all the assistance they can get in this area. It is commonly recognised in the community that there is a breakdown in law and order and that there are problems with unruly persons, particularly at night—problems which cause danger to other citizens and cause people to be concerned about their personal safety and security. Frequently one can read in the press articles concerning this sort of issue.

Currently the police are fairly powerless to do anything about it. An adequate loitering provision with proper safeguards would go a long way towards overcoming this problem or at least give the police power to do something about it. The two matters to which I have referred, and other matters referred to by the Hon. Mr Griffin, should, I believe, be addressed by the Attorney-General and may need to be considered in the Committee stage. I support the second reading.

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

ADJOURNMENT

At 4.35 p.m. the Council adjourned until Thursday 20 February at 2.15 p.m.