LEGISLATIVE COUNCIL

Tuesday 17 March 1992

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Metropolitan Taxi-Cab (Miscellaneous) Amendment,

Motor Vehicles (Licences and Demerit Points) Amendment,

Parliament (Joint Services—Prohibition on Smoking) Amendment,

Urban Land Trust (Urban Consolidation) Amendment.

PETITION: BICYCLE HELMETS

A petition signed by 104 residents of South Australia concerning legislation which makes the use of bike helmets compulsory and which has had the effect of discouraging people from cycling was presented by the Hon. Diana Laidlaw. They propose to raise the profile of cycling, reduce the fine for non-compliance, allow exemptions for medical reasons and temperatures over 30° Celsius, to paint more bike lanes on existing roads and educate other road users that cyclists have the right to be on the road. The petitioners pray that this honourable Council will consider their reasons for signing this petition and make appropriate amendments to the existing legislation.

Petition received.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 19, 22, 27, 34, 35, 38, 49, 52, 53, 55 to 61, 69 to 73, 75 to 82, 85, 87 and 100.

HOUSING TRUST TENANTS

19. **The Hon. L.H. DAVIS** asked the Minister of Tourism representing the Minister of Housing and Construction: How many families or persons with an annual household income (1) in excess of $40 000 and (2) in excess of $50 000 either became Housing Trust tenants or transferred from one Housing Trust dwelling to another during the 1990-91 financial year?

The Hon. BARBARA WIESE: During 1990-91 a total of 8 053 new tenants were housed by the South Australian Housing Trust. At time of allocation, 66 new tenants had an annual household income between $40 000 and $49 999, whilst 12 had income in excess of $50 000. All ot these new tenants were allocated on full rents.

For the same period, 2 110 trust tenants were transferred from one trust dwelling to another. At time of transfer, 15 had an annual household income between $40 000 and $49 999, whilst two had incomes in excess of $50 000.

DEPARTMENTAL REDEPLOYMENT LISTS

22. **The Hon. L.H. DAVIS** asked the Attorney-General representing the Minister of Emergency Services: What are the numbers of persons on the redeployment list of each of the Minister's departments and Government agencies and how many of these persons have been on the redeployment list for (1) longer than 12 months and (2) longer than six months?

The Hon. C.J. SUMNER:

Police Department—There are no employees on the redeployment list.

South Australian Metropolitan Fire Service—There are no employees on the redeployment list.

Country Fire Service—There are no employees on the redeployment list.

Department of Mines and Energy—There are two people on the redeployment list.

1. One person.
2. Nil.

Office of Energy Planning—There are no employees on the redeployment list.

Electricity Trust of South Australia—There are 40 people on the redeployment list.

1. Nil.
2. Twenty people.

Pipelines Authority of South Australia—There are no employees on the redeployment list.

Woods and Forests Department—There are five people on the redeployment list.

1. Nil.
2. One person.

South Australian Timber Corporation—There are no employees on the redeployment list.

27. **The Hon. L.H. DAVIS** asked the Minister of Tourism representing the Minister of Housing and Construction: What are the numbers of persons on the redeployment list of each of the Minister's departments and Government agencies and how many of these persons have been on the redeployment list for (1) longer than 12 months and (2) longer than six months?

The Hon. BARBARA WIESE:

1. In respect to the South Australian Housing Trust, the total number of persons on the redeployee list is 44, and of this number 20 are temporarily placed against established positions.
   (i) One redeployee has been on the list for longer than 12 months; and
   (ii) One redeployee has been on the list for longer than six months but has been temporarily assigned to an established position.
2. SACON currently has 14 employees on its official redeployment list in the following categories:
   (i) Longer than 12 months (8).
   (ii) Six-12 months (1).
   (iii) Less than six months (5).

It should be noted that eight of these employees have been placed on a temporary basis in other agencies, and three on a temporary basis within SACON.

3. With regard to the Department of Recreation and Sport, two employees were on the redeployment list for longer than 12 months. It should be noted however, that both employees have been placed in permanent positions in January 1992.

CONSULTANCIES

34. The **Hon. R.I. LUCAS** asked the Minister of Tourism: For each of the years 1990-91 and 1991-92 (estimated):

1. What market research studies and consultancies (of any type) were commissioned by departments and bodies which report to the Minister of Industry, Trade and Technology?
2. For each consultancy—
   (a) Who undertook the consultancy?
   (b) Was the consultancy commissioned after an open tender and, if not, why not?
   (c) What was the cost?
   (d) What were the terms of reference?
   (e) Has a report been prepared and, if so, is a copy publicly available?

The Hon. BARBARA WIESE: The replies are as follows:

Department of Industry, Trade and Technology

As a matter of clarification many of the consultancies undertaken by the department are commissioned at short notice to investigate commercially and time sensitive matters. Given the short time-frames needed for specialist advice and the relatively low value of each consultancy it would not be economical or effective in terms of the organisation's objectives to go to open tender on each occasion. Unless DITT responds rapidly an investment opportunity may be lost or a firm fail in the interim. Often any breach of commercial confidentiality would cause serious commercial damage to the enterprises concerned.

The department maintains an awareness of firms and individuals with specialist skills/experience which suit them for specific confidential or urgent tasks. On appropriate occasions more than one consulting firm is approached to provide information on their capabilities, the immediate availability of experienced staff with the relevant expertise and the fee structure.

In relation to a number of the State's major development opportunities, specialist industry expertise and experience is required. However, such work may be temporary and of uncertain duration. Consequently, the most cost effective means of managing departmental resources is not to recruit permanent staff but to contract a specialist to undertake the work. Selection in this instance is based on the knowledge and skill of the individual. Special rates less than consultancy charge rates are negotiated for such arrangements. These short-term contract arrangements are not included as consultancies.

During the year the department managed consultancies approved and funded by the MFP. These consultancies are not included.

For administrative convenience, consultancies are listed in the period in which payment was made. Following the calling of tenders, a major consultancy to Arthur D. Little was commissioned in the period to 31 December 1991 with regard to an economic review of the State's economy and development strategies. This consultancy has not been included in the attached listings as no payments had been made to 31 December 1991.

Consultancies Commissioned 1990-91 Financial Year

Ref. No.	Details of Consultancy
1.	*(a)* Adelaide Strategic Consultants. *(b)* No; urgent specialised advice. *(c)* $11 758. *(d)* To establish a business case for the establishment in South Australia a plant to manufacture aircraft structural components in composite materials, that is, carbon and kevlar fibre resin impregnated laminated assemblies such as elevators, flaps, doors, etc. *(e)* Yes. No.
2.	*(a)* Centre for South Australian Economic Studies. *(b)* No; specialist experts in the South Australian Economy and Econometrics. Required to meet urgent deadlines and to utilise specialist models not otherwise accessible. *(c)* $36 500. *(d)* • Input output modelling of the South Australian economy related to auto and comments on the draft Government Auto Industry Submission to the Industry Commission. *(e)* Yes. No.
3.	*(a)* D.M. Forsaith. *(b)* No; see introductory note. *(c)* $1 725. *(d)* • Study of State taxes and charges applicable to the State's industry. *(e)* Yes. No.
4.	*(a)* Kinhill. *(b)* No; see introductory note. *(c)* $3 651. *(d)* • Industry profile on the Australian and South Australian services sector. *(e)* Yes. No.
5.	*(a)* Peat Marwick Mitchell & Co. *(b)* No; urgent expert advice required. *(c)* $25 332. *(d)* • To assist in preparing arguments in the South Australian Government's Auto Industry Submission to the Industries Commission. *(e)* Yes. No.
6.	*(a)* Pappas, Carter, Evans & Koop. *(b)* No; urgent expert advice. *(c)* $2 371. *(d)* • To assist in preparing arguments in the South Australian Government's Auto Industry Submission to the Industries Commission. *(e)* Yes. No.
7.	*(a)* Wheeler Strobel Consulting Group. *(b)* No; a number of consultants with appropriate skills interviewed. Initially a modest exercise which was extended as need emerged for a more extensive facilitative process. *(c)* $31 028. *(d)* • To facilitate in the preparation of the department's corporate plan. *(e)* Various. No.
8.	*(a)* Patrick Mangan & Associates. *(b)* No; three competitive quotes sought. Task extended subsequently. *(c)* $53 400. *(d)* • A skills analysis of the department providing information on job responsibilities, accountability, knowledge, specific skills, and personal attributes. The information to be used in the structural efficiency grading and staff development planning. *(e)* Yes. No.
9.	*(a)* T. Simons and Associates. *(b)* No; three competitive quotes sought. *(c)* $21 100. *(d)* Identify the current information systems and processing requirements of the department. Determine the technical and financial feasibility of using modern technology to satisfy the department's needs. Develop a detailed and practical implementation plan based on the optimum approach. *(e)* Yes. No.
10.	*(a)* Connell Wagner (SA) Pty Ltd. *(b)* No; highly specialised task. *(c)* $3 200. *(d)* Preparation of Aqueous Waste Concept report for the Tioxide Plant proposed for Whyalla. *(e)* Yes. No.
11.	*(a)* Coopers and Lybrand. *(b)* No; because of the confidential nature the department needed to use a known specialist consultant with repertoire in the field and no conflict of interest. *(c)* $13 018. *(d)* A study on the benefits and means of control over a major transport asset. *(e)* Yes. No.
12.	*(a)* Johnsons Geological Services. *(b)* No; because of their specialised knowledge of glass sands. *(c)* $5 700. *(d)* To locate raw materials of suitable specification for a float glass/auto glass industry centred in the Iron Triangle. *(e)* Yes. No.
13.	*(a)* Pak-Poy Kneebone. *(b)* No; see introductory note. *(c)* $4 000. *(d)* To assist develop strategies for the development of information technology industries and for business development of information technologies. *(e)* Yes. No.
14.	*(a)* Snowflake Technologies, Singapore. *(b)* No; this was a highly specialised consultancy with very limited appropriate specialists available initially established on a trial basis to determine whether an ongoing formal arrangement would be beneficial. It was agreed after evaluation to retain the consultant as a defence and aerospace consultant for the South East Asian region. *(c)* $37 589. *(d)* Provide advice to the department on opportunities in the region for South Australian technology, particularly relating to defence and aerospace, assistance to South Australian businesses in relation to contacts in defence, aerospace and related technological areas and other related tasks. Any additional services requested beyond the above would be met on a fee for service basis subject to quotation and acceptance. *(e)* Regular written reports. No.
15.	*(a)* Pak-Poy Kneebone. *(b)* No; selected because they exhibited a unique blend of skills associated with their international business dealings, specialist experience in similar tasks overseas and their knowledge of related activities and functions in other State Governments. *(c)* $20 000. *(d)* Undertake a review of the Trade and Overseas Operation Branch of the department leading to major organisational change. *(e)* Yes. No.

Ref. No.	Details of Consultancy
16.	*(a)* Steidl Smith and Associates. *(b)* No; three competitive quotes received. *(c)* $8 260. *(d)* Develop a proposal regarding an assessment of the estabishment of a trading house in South Australia. *(e)* Yes. No.
17.	*(a)* KPMG Peat Marwick. *(b)* No; interviews with a number of consultants with expertise in the field. *(c)* $7 168. *(d)* To assist in the development of an investment attraction strategy for the MFP. *(e)* Yes. No.
18.	*(a)* Disney Howe and Associates Pty Ltd. *(b)* No; provides annual advice on defence related developments on a retainer basis with associated evaluation of changing State needs and performance basis. The calling of tenders was waived because there were no other candidates available in Canberra with the specialist qualifications and experience. The company was first tested on a three month trial basis. *(c)* $64 195 in 1990-91; costs reduced by 50 per cent in 1991-92, $19 224 to 31 December 1991. *(d)* To address Federal Government initiatives for the acquisition of defence products and services. The analysis of Federal Government defence acquisition programs and their relevance to South Australia. To undertake specific projects as required from time to time. Subsequently, the terms of reference were modified to give an emphasis to defence procurement matters with a review of fees. *(e)* Regular written reports. No.
19.	*(a)* Coopers and Lybrand. *(b)* No; urgent because Federal process underway and need to counterbalance proceedings rapidly. *(c)* $6 750. *(d)* Assist the department develop a strategy and argument for the location of a proposed headquarters of a National Rail Freight Corporation in South Australia. *(e)* Yes. No.
20.	*(a)* Maunsell Pty Ltd. *(b)* No; specialist task and proven track record in dealing with community awareness programs of an environmental nature. An internationally recognised firm of consulting engineers who specialise in environmental management needs. After a departmental search to find an organisation with the necessary skills and credentials DITT drew upon the experience and advice of the Department of Environment and Planning. *(c)* $85 000. *(d)* To conduct a public relations campaign to assist in the establishment of a petrochemical plant at Whyalla. *(e)* Yes, a number of public leaflets produced and distributed.
21.	*(a)* Ayers Finnis Ltd. *(b)* No; urgent confidential advice required. See introductory note. *(c)* $5 000. *(d)* Provide an independent assessment of a firm seeking Government assistance. *(e)* Yes. No.
22.	*(a)* Kinhill Engineers Pty Ltd. *(b)* No; specialist task with limited expenditure. *(c)* $6 000. *(d)* To undertake a pre-feasibility study to determine the economics of a power generation from waste at Wingfield and ascertain whether a full study is warranted. *(e)* Yes. No.
23.	*(a)* Arthur Anderson. *(b)* No; urgent confidential advice required. *(c)* $17 500. *(d)* Undertake an independent assessment of a large South Australian group seeking urgent Government assistance. *(e)* Yes. No.
24.	*(a)* Edwards Marshall. *(b)* No; urgent confidential advice required. *(c)* $21 352. *(d)* Provide an independent assessment of the financial position of a South Australian Company being considered for urgent Government assistance. *(e)* Yes. No.

Consultances Commissioned 1 July 1991 to 31 December 1991

Ref. No.	Details of Consultancy
1.	*(a)* Australian Aviation Management Services. *(b)* No; highly specialist task with only one organisation with the knowledge and networks to undertake task cost effectively. *(c)* $13 480. *(d)* Prepare a technical and business inventory of South Australia's aviation industry. *(e)* A report will be prepared when the consultancy is completed. No.
2.	*(a)* HH Information Management Services. *(b)* No; specialist task and consultant selected based on discussions with possible candidates and recommendations. *(c)* $7 000. *(d)* To conduct and evaluate the records management system of the department. Put forward recommendations for improvement. *(e)* Yes. No.
3.	*(a)* National Heritage Studies Pty Ltd. *(b)* No; three competitive quotes sought. *(c)* $10 805. *(d)* Conduct an archaeological study at Port Bonython, near Whyalla, the site of a proposed new industry park. *(e)* Yes. No.
4.	*(a)* Mack Consulting Group. *(b)* No; urgent, confidential specialist advice required. *(c)* $4 185. *(d)* Conduct a strategic review of a company requiring urgent Government assistance. *(e)* Yes. No.
5.	*(a)* Miller Simons. *(b)* No; three competitive prices obtained. *(c)* $20 100. *(d)* Following the preparation of the strategic plan of the department's information technology needs, prepare the tender documents and assist in the evaluation of the tenders. *(e)* A report will be prepared when consultancy is finished. No.
6.	*(a)* Rod Lucas. *(b)* No; three competitive quotes. *(c)* $6 650. *(d)* Conduct an anthropological study at Port Bonython, near Whyalla, the site of a proposed new industry park. *(e)* Yes. No.
7.	*(a)* TCF Skills and Resources Centre. *(b)* No; specialist expertise and knowledge of TCF industry. *(c)* $7 500. *(d)* Prepare a feasibility study for establishing a TCF Import Credits Aggregation Scheme for South Australia. *(e)* Still in progress.
8.	*(a)* AACM International Pty Ltd. *(b)* No; urgent, confidential specialist advice required. *(c)* $5 000. *(d)* Conduct an urgent independent review of a company seeking assistance. *(e)* Yes. No.

Technology Development Corporation

During 1990-91 the Technology Development Corporation did not commission any studies relating to market research, nor is it anticipated to commission any during 1991-92.

Department of Agriculture

The Department of Agriculture commissioned 64 consultancies (list attached) of various kinds including market research studies during the past two financial years, 1990-91 and 1991-92 (year to date).

Approval for all consultancies were granted pursuant to proper administrative practices and in confirmation of the relevant supply and tender regulations and Treasurer's instructions.

- Tender call
- Under the value of $2 000
- Obtained quotes
- Waiver of tender
- Expressions of interest
- Contract agreements

} Other

Reports for consultancies and market research studies were prepared in accordance with contractual agreements. Availability of such reports is based on the sensitivity and confidentiality of the subject matter.

- Staff assessments.
- Commercial implications.

DEPARTMENT OF AGRICULTURE
MARKET RESEARCH STUDIES AND CONSULTANCIES COMMISSIONED DURING 1990-91

	Amount $	Name of Consultant	Tenders Called	Report Available	Description of Service
1.	10 000.00	Cole Associates Pty Ltd	Yes	Yes	Agricultural Spray Drift Study. As detailed in DA 1042/87.
2.	3 000.00	David Ryan Consulting Pty Ltd	No—not expected to exceed $2 000	No—service	Professional services in conducting a two day workshop for Plant Pathology Unit June 1990.
3.	3 260.85	Ceka Services Pty Ltd	No—overseas consultant as recommended	No—service	Supply of professional services. (Trademark & Patent Attorneys representing the Department in UK and Europe). Rotavirus Project.
4.	42 348.00	P.C. Weir	No—waived	No—service	Consultancy fees for ICPMS computer systems.
5.	19 970.05	Oszoly & Associates	No—recommended by Federal Department of Health when plant first established.	No—commercial in confidence	Consultancy to establish pharmaceutical manufacturing plant. Rotavirus Project.
6.	2 100.00	Miller Simon & Associates	Yes	Yes	Information Systems Review on the future of the Fleece Measurement Service.
7.	20 700.00	Peat Marwick Management Consultants	No—waived	No—service	Professional services for Artificial Breeding.
8.	42 000.00	ADL Consulting Pty Ltd	Yes	Yes	Engagement of consultant for RUFIS (Rural Finance Information System) development.
9.	2 500.00	PPK Health Pty Ltd	No—waived due to urgency	Yes	Investigation of potential land contamination at the Waite and Urrbrae campusus.
10.	6 400.00	TFS Media	Yes—selective tendering	Yes	Professional Services—Preparation of Annual Reports.
11.	40 000.00	Phoenix Systems	No—Expressions of interest	Yes	Provision of Specialist consulting services for the design of glasshouses and controlled environment.
12.	3 750.00	MS Marketing	Yes	No—service	Fee for Staff Training Services.
13.	16 860.00	Denys Slee & Associates	Yes	Yes	Consultancy for Operation Landcare Newsletter.
14.	27 520.00	Regina Sluizas	Yes	No—no report necessary	Consultancy for preparation of publishing materials. Landcare.
15.	12 000.00	Harrison Market Research	Yes	Yes	Project: Survey of Farm Managers.
16.	8 000.00	Dr C.E. Dearlove	No—waived	Yes—regular reporting mechanism to Rotavirus Development Board	Specialised services of Research Assistant to conduct Challenge Trials as per Consultancy Agreement.
17.	25 900.00	Ernst & Young	Yes	Yes	For professional services rendered conducting a review of the Meat Processing Industry in South Australia—joint project between Department of Agriculture and Department of Industry, Trade and Technology.
18.	2 153.43	Turnbull Fox Phillips	Yes	No—no report necessary	Protein for profit consultancy.
19.	2 860.00	Baker & Hostetler	No—overseas consultant as recommended	No—service	Professional Services US Drug Registration—Trademark and Patent Attorneys representing Rotavirus Project in USA.

	Amount $	Name of Consultant	Tenders Called	Report Available	Description of Service
20.	40 372.00	Biomedtec Pty Ltd	No—local company, only one currently available in South Australia	No—not necessary	Provision of Consultancy to Rotavirus Project for setting up Clinical Trials.
21.	6 444.61	Festival City Conventions	No—initial estimate less than $2 000, however role of consultant expanded	Yes	Professional services for Annual Ryegrass Toxicity Workshop.
22.	2 413.50	Timothy Williams	No—for continuity with previous publication on Cereal Root and Crown Diseases	Yes—estimated July 1992	Professional service for Cereal Leaf Diseases Book.
23.	2 022.00	Mr N. Morenos	No—not expected to exceed $2 000	No—service	Casual assignment to write articles for the Grains Research Corporation.
24.	1 500.00	Kinhill Engineers Pty Ltd	No—not necessary	Yes—confidential	Consultancy and management services to Rotavirus Project.
25.	1 885.00	Quest Associates	No—not necessary	No—confidential	Consulting services in selection process for appointment of Chief Veterinary Parasitologist.
26.	1 500.00	CSIRO	No—not necessary	No—project discontinued—unsuccessful	Consultancy on project to develop Nemataode ELISA for ARGT diagnostic services.
27.	1 500.00	B. McKenzie	No—not necessary	Yes	Consultancy fee—Community Development Strategy.
28.	1 928.00	Mark Allison	No—technical work requiring specialised knowledge	Yes	Consultancy to edit and produce a cereal handbook for all South Australian cereal producers.
29.	565.00	R.K. Maddern & Associates	No—Not necessary	No—service	Services provided for Australian Trade Mark Application No. 479639 'Woolplan Logo.'
30.	800.00	Ian Schofield	No—Not necessary	Yes	Consultancy for preparation of Rotavirus financial statements.
31.	1 318.00	Philips Ormonde & Fitzpatrick	No—specialised legal service	No—service	International Search—Patent/Trademark.
32.	1 850.00	Kavanagh Balfour Widnells	No—not necessary	Yes	Preparation of cost estimates for proposed Roseworthy Piggery.
33.	891.00	Mrs L. Coleman	No—technical work requiring specialised knowledge	Yes	Editing and rewriting for the Winter Cereals Management guide.
34.	340.00	Focus O.T. Services	No—not necesary	Yes—confidential (personal)	Consultancy fees for ergonomic assessment of work stations at Northfield.
35.	1 350.00	Melissa Gibbs	No—not necessary	Yes—internal	Right Rotations Survey.
	358 001.44	1990-91 total			

DEPARTMENT OF AGRICULTURE
MARKET RESEARCH STUDIES AND CONSULTANCIES COMMISSIONED DURING 1991-92

	Amount $	Name of Consultant	Tenders Called	Report Available	Description of Service
36.	2 500.00	John Kent	No—software developed at no cost—continuing relationship	No—service	Installation of WOOLPLAN for accredited WOOLPLAN Laboratoris.
37.	12 500.00	Philips Ormonde & Fitzpatrick	No—specialised legal service	No—service	Maintaining watch service including status checks and reports for Patent/Tradmark—Rotavirus Project.
38.	15 443.22	Ceka Services Pty Ltd	No—overseas consultant as recommended	No—service	CTX Application/Clinical Trial monitoring as required for the period ending 30 June 1992—Rotavirus Project.
39.	8 752.00	Austseed	Yes	Yes—commercial in confidence	Consultation fee and advertising charges for 'Mogul' barrel medic and 'M93' field pea.
40.	5 189.00	Mr N. Morenos	No—total comprises several assignments	No—service	Casual assignments to write articles for the Department.
41.	2 520.00	ADL Consulting Pty Ltd	Yes	No—service	Employment of consultant for MIS development.

	Amount $	Name of Consultant	Tenders Called	Report Available	Description of Service
42.	4 837.51	Baker & Hostetler	No—overseas consultant as recommended	No—service	Professional Services US Drug Registration.
43.	40 000.00	Ms C. Brunker	No—previous experience in providing specialised service	Yes—internal	Consultancy to provide assistance to people of non-English speaking background in the correct use of agricultural chemicals.
44.	30 680.00	McPhee Andrewartha Pty Ltd	Yes	Yes—confidential	Consultancy Services for the amalgamation of the Department's Diagnostic Laboratory Services.
45.	345 120.00	Oracle Systems	Yes	No—services	Employment of Consultants for Rural Finance MIS Development.
46.	2 500.00	Australian Agriculture Consulting	No—not expected to exceed $2 000	Yes	Professional fees and expenses to conduct a Dairy Farmer Survey.
47.	11 429.00	University of New South Wales	No—original project started by Adelaide Childrens Hospital	Yes—internal	Laboratory Services, Research Consultation and reporting on 'Project Sauce'.
48.	8 286.90	T.D. Wilson (Vet. Surgeons) Pty Ltd	Yes	Yes	Consultancy fee and costs for project 'Maximising Reproductive Performance'.
49.	2 476.50	Stephen Gray	No—waived	No—service	Consultancy fees to complete installation of fleece testing equipment.
50.	195 000.00	DMR Consultants	Yes—selective tendering	Yes—confidential	Strategic Information Technology Plan for the Department.
51.	1 394.81	Clin. Pathology Laboratories	No—not necessary	Yes—confidential	Testing during April and May 1991 Rotavirus patients.
52.	1 750.00	Randy Bowden & Associates	No—not necessary	No—services	Employment of consultant D. Olds for development of MIS Systems in Rural Finance.
53.	2 220.00	Focus Psychology Services	No—original program required further consultations	Yes—confidential	Prepare stress management group program for Rural Finance Assessing Section.
54.	1 200.00	Ian Schofield	No—not necessary	Yes	Consultancy for preparation of Financial Statements for Rotavirus Unit.
55.	505.00	Nick Morenos	No—not necessary	No—service	Assignment to write agricultural articles and editing.
56.	1 800.00	Rogers Rural Repairs Pty Ltd	No—not necessary	No—service	Service the Judas Goat Project in the Coorong National Park under direction of the Animal and Plant Control Commission.
57.	1 750.00	Mr David A. Jones	No—not necessary	No—service	Sheep classing consultancy fee.
58.	985.50	Leona Coleman	No—technical work requiring specialised knowledge	Yes	Payment for editing scientific papers.
59.	1 920.00	Regina Sluizas	Yes	No—not necessary	Research and Preparation of text for brochure titled 'Indicators of Dryland Salinity'.
60.	1 811.00	Mr N. Morenos	No—not necessary	No—service	Service provided to write, edit and organise printing of publication on Grain Legumes.
61.	1 050.00	Melissa Gibbs	No—not necessary	Yes—internal	Right Rotations Survey.
62.	360.00	McPhee Andrewartha Pty Ltd	No—not necessary	Yes—confidential	Professional consultation for Rural Finance staff for stress management.
63.	1 075.00	Harrison Market Research Pty Ltd	Yes	Not yet available	1991 Health Omnibus Survey.
64.	1 900.00	Agric. Waste Consultants Pty Ltd	No—not necessary	Yes—internal	Providing engineering expertise to SAFRIES Waste Disposal Consultancy.
	706 955.44	1991-92 Total			
	1 064 956.88	Grand total			

Department of Fisheries

1. The Department of Fisheries undertook no market research consultancies in 1990-91 and has none planned for 1991-92. One naval architecture consultancy, one commercialisation management consultancy, three computer software development consultancies and three biological research consultancies were commissioned in 1990-91. Three biological research consultancies were commissioned in 1991-92. Some consultancies overlapped into 1991-92 and costs are unable to be split for both years. Estimates for 1991-92 are included in response *(d)* where appropriate.

2.

(i) Naval Architecture Consultancy 1990-91—

(a) K Tech Marine.
(b) Yes.
(c) $9 912.
(d) Supervise progress of construction of two identical 15 metre seagoing motor vessels; conduct trials on completed vessels; ensure compliance with survey standards.
(e) Yes, but not publicly available.

(ii) Commercialisation Management Consultancy 1990-91, 1991-92—
(a) Innovation Management Pty Ltd.
(b) No; consultants chosen on recommendation of Office of Government Management Board based on Government policy.
(c) $19 000 (ongoing, total estimated).
(d) To provide a commercialisation management plan and other services to the Department of Fisheries.
(e) No.

(iii) Computer Software Development Consultancy 1990-91, 1991-92—
(a) Software Insight Pty Ltd.
(b) No; external grants funded software development projects on the basis of proposals which specifically named this company as providing specialist services.
(c) $112 280 (ongoing, total estimated).
(d) To provide specialist software development services.
(e) Yes, to the funding bodies. Not publicly available.

(iv) Computer Software Development Consultancy 1990-91, 1991-92—
(a) John Tonkin.
(b) No; external grants funded software development projects on the basis of proposals which specifically named this person as providing specialist services.
(c) $4 042 (ongoing, total estimated).
(d) To provide specialist software graphics services.
(e) Yes, to the funding bodies. Not publicly available.

(v) Computer Software Development Consultancy 1990-91, 1991-92—
(a) Lesley Fairbairn.
(b) No; unique skills. Extreme deadlines. External funds. Support of Innovation Management Pty Ltd.
(c) $15 600 to date.
(d) To assist in department commercialisation strategy through grant research, production and marketing of software products.
(e) No.

(vi) Biological Research Consultancy 1990-91, 1991-92—
(a) Janine Baker.
(b) No; unique skills. Series of short-term contracts. Mainly external funds.
(c) $28 100.
(d) To trial and help improve fisheries software by applying it to local species. Prepare report on blue crab fishery.
(e) No, although the results of work are included in departmental publications.

(vii) Biological Research Consultancy 1990-91—
(a) South Australian Endangered Fishes Working Group (Inc.).
(b) No; this voluntary, non-profit community group was a co-applicant for a research grant with the Department of Fisheries (Inland Waters Section) under the Natural Resources Management Strategy of the Murray-Darling Basin Commission. As such, their component could be classed as a consultancy, but was tendered to the granting body.
(c) $1 500 (value of voluntary assistance: $12 000).
(d) The grant proposal becomes the terms of reference (relevant components appended—appendix A, section 8).
(e) The final report is due 31 December 1992 and becomes the property of the Murray-Darling Basin Commission who will decide on public availability.

(viii) Biological Research Consultancy 1991-92—
(a) South Australian Endangered Fishes Working Group (Inc.).
(b) No; this voluntary, non-profit community group was a co-applicant for a research grant with the Department of Fisheries (Inland Waters Section) under the Natural Resources Management Strategy of the Murray-Darling Basin Commission. As such, their component could be classed as a consultancy, but was tendered to the granting body.
(c) $500 (value of volunteer time: $5 000).
(d) The grant proposal becomes the terms of reference (relevant components appended—appendix A, section 8).
(e) The final report is due 31 December 1992 and becomes the property of the Murray-Darling Basin Commission who will decide on public availability.

(ix) Biological Research Consultancy 1990-91—
(a) Department of Conservation and the Environment, Arthur Rylah Institute.
(b) No; this agency was a co-applicant for a research grant with the Department of Fisheries (Inland Waters Section) under the Natural Resources Management Strategy of the Murray-Darling Basin Commission. As such, their component could be classed as a consultancy, but was tendered to the granting body.
(c) $13 500.
(d) The grant proposal becomes the terms of reference (relevant components appended—appendix A, section 3).
(e) The final report is due 31 December 1992 and becomes the property of the Murray-Darling Basin Commission who will decide on public availability.

(x) Biological Research Consultancy 1991-92—
(a) Department of Conservation and the Environment, Arthur Rylah Institute.
(b) No; this agency was a co-applicant for a research grant with the Department of Fisheries (Inland Waters Section) under the Natural Resources Management Strategy of the Murray-Darling Basin Commission. As such, their component could be classed as a consultancy, but was tendered to the granting body.
(c) $13 500.
(d) The grant proposal becomes the terms of reference (relevant components appended—appendix A, section 3).
(e) The final report is due 31 December 1992 and becomes the property of the Murray-Darling Basin Commission who will decide on public availability.

(xi) Biological Research Consultancy 1991-92—
(a) Department of Zoology, University of Adelaide.
(b) No; a studentship is being negotiated with the university to investigate the Urban Freshwater Fishery in Adelaide. As such, the price is fixed and the time donated.
(c) $500 (value of donated time: $8 000).
(d) These are still subject to negotiation.
(e) Final results will be presented to the Inland Waters Section, South Australian Department of Fisheries where they will be available to management and the public at the discretion of the Director and the Minister of Fisheries.

Appendix A

Project Title: Enhancing native fish recruitment in the Lower Murray.

Project Description:

Methodology:

The scope of this project will necessitate building upon rather than duplicating recent and concurrent research work as well as employing the best available methods and expertise. Relative to the specific objectives above, these methods currently are:

1. *Literature Search.* A broad, computer-based search of the BIOSIS and ASFA international databases will be carried out for information pertinent to floodplain river fishery enhancement and associated issues. Research and ideas for each project objective will be summarised and used in directing work. Key research locations and workers worldwide will be identified and contacted. This will occur in the first three month period.

2. *Flow needs to stimulate spawning.* Adult Murray Cod and callop will be tethered and/or caged in a side channel to the River Murray which will allow manipulation of flow rate and level. Following acclimation periods, test conditions will be

applied according to a standard multi-variate experimental design with the response variable being key hormone release as determined by non-destructive assay procedures (per Warmwater Fisheries Research Station, Hof Carmel, Israel).

Following quantification of conditions necessary to promote reproductive behaviour in Murray cod and callop, these conditions will be applied as an *in situ* bioassay. Monitoring for hormonal activity indicative of obligate reproduction will constitute the dependent variable in this experimentation. Estimation of the proportion of the population which will reproduce in an acceptable flow regime for a certain period will then be possible, other factors being equal.

3. *Adult migratory behaviour and spawning location.* Radio tagging of adult Murray cod and callop will be done prior to anticipated 1989 'natural' spring floods. Individual fish will be monitored on an intensive basis over the high flow period to determine daily activities, habitat usage and final spawning site. This work will be primarily carried out by the Kaiela Fisheries Research Station, Department of Conservation, Forests and Lands, Victoria.

4. *Prey/fry dynamics.* Prey dynamics on the flooded floodplain and in the associated river channel will be quantitatively monitored by sampling with a Van Dorn plankton sampler. Sampling sites will be stratified across apparent different habitat types and applied randomly therein. Number of samples will be determined based on variability found in samples previously taken by the Narrandera Inland Fisheries Research Station, N.S.W., which will act as a pilot study. Fry sampling will be quantified on the floodplain by using a non-selective radio-controlled dropnet. Fish therein will be destructively sampled using rotenone. Fish in river channel environments will be sampled using standard seine hauls as an index of abundance; lift net sampling will also be attempted and used, if successful.

5. *Fry and subadult behaviour relative.* Again, these data should derive from the sampling undertaken in 5 above together with simultaneous sampling of key physical conditions. It may be necessary to formulate controlled experiments to further investigate variables which field sampling indicate are critical.

6. *Subadult growth and survival.* Subadult Murray cod and callop will be placed within enclosures in the main river channel environment and their growth and survival monitored. Fish will also be radio-tagged using the smallest possible transmitters and their movements and growth followed on a short-term basis.

7. *Effect of artificial floods on recruitment.* Water will be held artificially on the floodplain at times when irrigation water would be available for short-term use. Cod and callop fry will be introduced into this environment and their survival and growth monitored as in 5. This assumes cooperation/assistance from the relevant water resource agencies and is not separately costed.

8. *Endangered species survival.* Adult and juvenile specimens of endangered fish species will be placed into enclosures in the main river and flooded terrestrial environments to attempt to determine their ability to survive and growth under current conditions.

9. *Juvenile cod and callop territory size.* Diving will be undertaken in clear water tributaries to the River Murray and the size of territory utilised by juvenile cod of various sizes estimated at least three times during a year. If this is not feasible for callop, similar work will be undertaken under controlled conditions in large pools to which typical benthic habitat features (for example, logs) have been added.

10. *Formulate flow strategies for enhanced recruitment.* Quantitative and qualitative results from objectives 1-11 will be incorporated into an overall predictive model for direct and immediate application by water managers.

11. *Potential effects of enhancement strategies on water users.* An economist will be subcontracted by this study to assess the impacts of fish enhancement options on other river users. Thus, quantitative information derived during the first two sampling seasons will be used to direct the investigation of the overall societal effect of possible recruitment enhancement measures.

12. *Assessment of impacts of enhancement strategies on salt reduction strategies.* Through cooperation with the South Australian Engineering and Water Supply Department as well as the Murray-Darling Basin Commission, potential changes to the water management regime to benefit fish will be modelled to predict and optimise the effects on salt mitigation. Economic evaluation of the resulting options would also be incorporated in this objective.

13. *Recommendation of a preferred option.* After consultation with all interested parties, an optimal fish enhancement strategy for the lower Murray system will be suggested.

Office of Multicultural and Ethnic Affairs

1. The South Australian Multicultural and Ethnic Affairs Commission commissioned one consultancy in 1990-91 to coordinate the operation of the South Australian Multicultural Forum.

Three consultancies will be commissioned in 1991-92. One will coordinate the operation of the South Australian Multicultural Forum. The other two consultancies are a Community Relations Media Project and Community Awareness and Education Project.

2. South Australian Multicultural Forum

(a) Mr J.R. Giles (1991); Bell Strategies (1992).
(b) Yes.
(c) $13 005 (1990-91); $10 000 (estimated 1991-92).
(d) To facilitate and support the ongoing work of the Multicultural Forum.
(e) The South Australian Multicultural and Ethnic Affairs Commission reports on the activities of the forum in its annual report.

Community Relations Media Project

(a) Marlow O'Reilly Public Relations and Communications.
(b) Yes.
(c) $40 000 (estimated 1991-92).
(d) To promote harmonious community relations by developing model strategies which will assist and encourage the media to represent and report on community relations issues in a fair and accurate way.
(e) A report will be prepared for the South Australian Multicultural and Ethnic Affairs Commission at the completion of the consultancy in the 1992-93 financial year.

Community Awareness and Education Project

(a) Diversity Consultants.
(b) Yes.
(c) $59 000 (estimated 1991-92).
(d) To develop Community Relations Training Kit and the training of Community Relations facilitators; the establishment of Community Relations Plan in three local government areas; and media workshops for Aboriginal people and people of non-English speaking backgrounds.
(e) A report will be prepared for the South Australian Multicultural and Ethnic Affairs Commission at the completion of the consultancy in the 1992-93 financial year.

35. **The Hon. R.I. LUCAS** asked the Attorney-General: For each of the years 1990-91 and 1991-92 (estimated)—

1. What market research studies and consultancies (of any type) were commissioned by departments and bodies which report to the Minister?
2. For each consultancy—
(a) Who undertook the consultancy?
(b) Was the consultancy commissioned after an open tender and, if not, why not?
(c) What was the cost of each consultancy?
(d) What were the terms of reference?
(e) Has a report been prepared and, if so, is a copy publicly available?

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

Attorney-General's Department

1. The following market research studies and/or consultancies were commissioned by the department for the 1990-91 and 1991-92 (estimated) financial years: Support Services; Information Technology; Criminal Prosecutions—Information Technology; Urban Design—Crime Prevention; Office of Crime Statistics—Crime and Safety Survey.

2. *Support Services*

(a) Office of the Government Management Board.
(b) An open tender was not necessary as the Office of the Government Management Board was set up to be used by Government agencies to undertake reviews of departmental operations.
(c) Nil.
(d) A review to define an appropriate role and function for the Support Services Division in relation to the wider department. Specifically this involved: identifying key priorities for change in the division; identifying appropriate level of staffing resources; developing an appropriate organisation structure and classification profile; identifying personnel management strategies for the division.
(e) A report has been prepared. It is an internal management document.

Information Technology

(a) Vic Rowe, Australian Technology Resources & Solutions Pty Ltd.
(b) No, because of the work Vic Rowe had done as a consultant to the Justice Information Service, he had an

intimate knowledge of the working of the Attorney-General's Department.
(c) $8 937.50.
(d) A review of the structure and function of the Information and Technology section of the Attorney-General's Department.
(e) A report has been produced. It is an internal management document.

Criminal Prosecutions—Information Technology
(a) Vic Rowe, Aspect Computing Pty Ltd.
(b) No, because of the work Vic Rowe had done as a consultant to the Justice Information System, he had intimate knowledge of the workings of the Attorney-General's Department.
(c) $32 500.
(d) To prepare a comprehensive information technology plan for the Criminal Prosecutions Division as a precursor to the establishment of Director, Public Prosecutions (DPP).
(e) A report has been prepared but it is for internal management purposes only.

Urban Design—Crime Prevention
(a) Wendy Bell, planning consultant.
(b) This consultancy was a very specific task required in relation to assisting the Coalition Working Group on urban design principles and crime prevention. Only two consultants specialise in this field in South Australia. Both were invited to undertake a joint consultancy; however, one consultant withdrew because of future study and work commitments.
(c) $30 000.
(d) To work with the Urban and Housing Design Working Group of the Coalition Against Crime in assessing and developing a set of broad principles in relation to urban design and crime prevention. The assessment was to cover older residential areas, town centres, and new developments, and to apply broad principles to a new development as a specific project.
(e) Consultancy expected to be completed in March 1992, and report will be provided to the Coalition Against Crime.

Office of Crime Statistics—Crime and Safety Survey
(a) Australian Bureau of Statistics.
(b) No. ABS was the only agency which could guarantee high response rates and a method of collection comparable with that used in other States.
(c) $76 000.
(d) To conduct a 'crime and safety survey' according to a predetermined questionnaire. To provide a public report and additional detached tabulations as requested.
(e) Yes. Released on 23 October 1991.

Electoral Department

1. No market research consultancies were commissioned by the Electoral Department in 1990-91.

In 1991-92 a market research consultancy was commissioned to establish awareness of compulsory voting at elections and referenda.

2. (a) McGregor Marketing Pty Ltd.
(b) The consultancy was commissioned following the submission of an offer from McGregor Marketing Pty Ltd.
(c) $400.
(d) One question to be included on the McGregor omnibus survey in February 1992 to establish awareness of compulsory voting at elections and referenda.
(e) A report will be produced and will be available in the office of the Electoral Commissioner.

Justice Information System

1. JIS has not and will not conduct any market research studies for the years in question. There has been one consultancy throughout the two years and that is the provision of Project Director's services.

2. (a) Australian Technology Resources Pty Ltd.
(b) Open tender.
(c) Cost in 1990-91—$180 100.
1991-92—$185 600 (est.).
(d) Provision of Project Director's services.
(e) A report was prepared on selection process and is available.

Equal Opportunity Commission

1. The Equal Opportunity Commission commissioned one market research study in 1990-91 on matters to do with discrimination.

2. (a) Motivation Research Centre.
(b) The Motivation Research Centre was selected as the appropriate organisation to conduct this research based on the experience and research of the Senior Education Officer with the responsibility for publicity and promotion in the commission.
(c) $6 000.
(d) To conduct market research aimed at defining the opinions of a representative sample of South Australians on matters to do with discrimination; for example, what is discrimination?; who is discriminated against?; by whom?; how?; what is the Equal Opportunity Commission and what does it do?
(e) A five booklet report is publicly available through the Community Education Section of the commission.

State Business and Corporate Affairs Office

1. The office has commissioned one consultancy within the specified time. The consultancy provided technical advice and assistance relating to the change-over of computing systems necessitated by the takeover of administration of companies legislation by the Australian Securities Commission.

2. (a) Aspect Computing Pty Ltd.
(b) No. Time constraints did not permit an open tender process.
(c) $7 374.
(d) The consultancy was undertaken to provide technical advice and assistance relating to the change over from the former Department of Corporate Affairs Computer system (CASA) to the Australian Securities Commission System (ASCOT).
(e) A report was not prepared.

Court Services Department

1. The Department commissioned the following consultancies: capacity planning study for Fujitsu mainframe computer; review of performance of IDMS software environment; SAS software installation; mainframe capacity review; implementation of MVS software upgrades; post implementation of courts computerisation program; development of tertiary justice administration courses; Sir Samuel Way Building air-conditioning review; classification review of departmental executive positions; staff development needs analysis; client services seminar.

2. Capacity Planning Study for Fujitsu M760/6 mainframe computer
(a) Mr Keith Lovell.
(b) Mr Lovell is the only consultant with the necessary skills available in Adelaide.
(c) $2 700.
(d) To measure the current workload being processed on the Fujitsu mainframe and to extrapolate on the basis of systems implementation plans and projected court workload increases to assist the level of capacity required to 1993-94.
(e) A formal technical report was prepared and copies have been made available to numerous bodies both within and outside the service.

Review of performance of IDMS software environment within the Court Services Department.
(a) Heron Computing Services.
(b) This consultancy was negotiated directly with the service provider as it involves specialist skills in this area.
(c) $3 000.
(d) An analysis of the configuration of IDMS; an analysis of all IDMS programs and aspects affecting system performance; recommendation of improvements to system tuning and programming methods.
(e) Two formal reports were prepared. These are of a highly technical nature but are available.

SAS software installation.
(a) Hitachi Data Systems.
(b) Three quotations sought from local consulting firms.
(c) $2 000.
(d) Install SAS-MXG software and develop computer programs to report on mainframe processing resource utilisation.
(e) No report required.

Mainframe capacity review
(a) System Services.
(b) Quotations sought from several firms expert in this field.
(c) $10 000.
(d) To assess the current and projected processing loads for systems which had already been approved to be run on the department's Hitachi mainframe and to comment on the sufficiency of each aspect of mainframe resource utilisation.
(e) Report prepared 26 January 1992—will be available after consideration by departmental Executive.

To implement MVS software upgrades on the Court Services Department Hitachi EX40 mainframe computer
(a) Hitachi Data Systems.

(b) Only one quote sought—amount agreed through negotiation.
(c) $3 174.
(d) To apply the latest software upgrades to the MVS operating system correctly; to provide training to system programmers; to develop appropriate documentation to enable this task to be undertaken in-house in future.
(e) No report involved.

Post implementation of courts computerisation program
(a) Negotiations currently underway with Ernst & Young to undertake this consultancy.
(b) Four locally based firms were invited to submit offers in relation to this work.
(c) $20 000-$30 000 (estimated).
(d) A review of the key elements of the courts computerisation program in order to identify any significant variances in objective cost and timeframes and to report on the extent to which objectives have been achieved within the project constraints. The consultants may also make recommendations on future development plans and staffing. There may also be a second stage being a detailed review of aspects warranting more in-depth examination.
(e) A formal report will be prepared and will be available.

Development of tertiary justice administration courses
(a) Harold Weir, retired lecturer University of South Australia.
(b) No. Mr Weir had a unique experience and background to provide valuable impact to this exercise and being retired was seeking remuneration at a very low rate.
(c) 1990-91—$4 150; 1991-92—$3 600.
(d) Provide advice and represent the Court Service Department in developing the curriculum for the Certificate and Associate Diploma in Business (Justice Administration) and in conjunction with other justice agencies including police, correctional and legal services.
(e) Yes, available.

Sir Samuel Way Building air-conditioning review
(a) John Tyerman and Associates.
(b) Selected tender.
(c) $10 000.
(d) To investigate and report on the air-conditioning systems and plant for the Sir Samuel Way Building.
(e) Report prepared and available.

Classification review of department executive positions
(a) Professor N. Bishop, Professor of Industrial Relations, University of South Australia.
(b) Employed to review the classification of senior management positions in the department in line with award restructuring and structural efficiency guidelines. No assistance available from Government agencies due to tight timeframe.
(c) $2 000.
(d) See (b) above.
(e) Yes, available. Report referred to the Department of Labour.

Staff development needs analysis
(a) ONAS (Organisational Needs Analysis Survey) Management Consultants Pty Ltd.
(b) A departmental investigation was undertaken to determine the most appropriate product available to achieve the requirement of structural efficiency principles that an individual and development analysis be undertaken. It was determined from this investigation that ONAS was the most suitable and cost effective product available.
(c) $7 500.
(d) No direct terms of reference. Package suited departmental requirements.
(e) Departmentalf assessment report prepared to justify purchase.

Client services seminar
(a) Ms Cheryl Johnstone.
(b) No formal tendering process was commissioned; however, informal approaches were made to a number of private consultants.
(c) $2 100.
(d) To assist the Registrar of the Magistrates' Courts Division in facilitating the division's public client seminars; to run 3 x 2-hour sessions on 'What services might you want from the Magistrates' Courts Division any time in the next five years?'
(e) As some of the comments relating to future directions referred to the judiciary the documentation has remained in-house. It is also in raw data form and a written report which would be understood by the public was not prepared as it was seen as unnecessary. The department is task oriented and many of the recommendations have already been implemented.

38. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage: For each of the years 1990-91 and 1991-92 (estimated)—

1. What market research studies and consultancies (of any type) were commissioned by departments and bodies which report to the Minister of Transport?
2. For each consultancy—
(a) Who undertook the consultancy?
(b) was the consultancy commissioned after an open tender and, if not, why not:
(c) What was the cost:
(d) What were the terms of reference:
(e) Has a report been prepared and, if so, is a copy of that report publicly available?

The Hon. ANNE LEVY: The replies are as follows:

Department of Correctional Services

1. *Quality of Work-life Survey amongst Correctional Officers.*
2. (a) Techsearch Incorporated—the business arm of the University of South Australia.
(b) Each of the universities were provided with the terms of reference for the study. This information was circulated to appropriate faculties and responses forwarded to the department. Tenders were also received from two private management consultants who inquired about the project.
(c) $80 000.
(d) Terms of reference are as follows:
1. To ascertain the aspects of the work environment which have adverse effects on Correctional Officers.
2. To ascertain the external forces which have impact on stress amongst Correctional Officers (for example, industrial climate, family and education).
3. To identify key personal characteristics which enhance or reduce Correctional Officers' ability to cope with the job and should be taken into consideration in recruitment processes.
4. To identify any aspects of lifestyle/health and fitness that impinge upon the ability of officers to perform the duties and cope with the responsibilities of their positions.
5. To ascertain officers' perceptions of the ability of the department to provide services to support staff who experience difficulties coping with work and measure those perceptions against the reality.
6. To determine any relationship between work practices, patterns, locations, hours worked and perceived ability to cope.
7. To review sick leave, recreation leave and overtime patterns to ascertain if there are any early warning indicators for workers compensation claims.
8. In full consultation with management make realistic recommendations for organisational change or program implementation to address the identified issues.
9. Compare research data materials and findings with work undertaken in similar occupational groups (police, other correctional jurisdictions and unions).
(e) The report of the survey is due to be made available to the Department of Correctional Services on 20 February 1992.

1. Coordinate Production of Departmental Publications.
2. (a) Marlow O'Reilly Public Relations and Communications.
(b) Yes.
(c) Approximately $25 000 per annum including production costs.
(d) Show an understanding of the department and its requirements.
Demonstrate an ability to produce the department's annual report and various brochures outlining the functions of areas within the department.
(e) Not applicable.

1. Review of Departmental Supply functions.
2. (a) John Dawson and Associates.
(b) No, the appointment was recommended to the department by the State Supply Division of the Department of Services and Supply.
(c) $35 000.
(d) (1) Establish objectives for the supply function and define the scope of its relationship with other functions. This is to be done in consultation with departmental Directors and agreed with the Executive Director before proceeding with the remainder of the review.
(2) Examine organisational structure and operating procedures and make recommendations for improvements to achieve the objectives established in (1) above.
(3) Examine the existing purchasing practice and inventory control methods, including the feasibility of using 'just in time' approach, and recommend changes to make these supply activities more cost effective.

(4) Examine the appropriateness of purchasing authority delegations for the supply function in each cost centre.
(5) Examine and make recommendations in regard to supply management reporting.
(6) Identify and develop indicators which can be used by the department to measure and monitor the performance of the supply function.
(e) Yes, June 1991. Yes on receipt of a *bona fide* request.
1. 'Aboriginal Culture'—Training and Development Programs
2. *(a)* Dalton-Morgan and Associates.
(b) Yes.
(c) 1990-91: $35 000; 1991-92: estimates $20 000.
(d) The main tasks of the project are to:
(1) Develop awareness programs for new and existing Department of Correctional Services staff in Aboriginal culture, social behaviour and history.
(2) Within these programs develop a range of activities which may be undertaken by departmental staff wishing to further their knowledge of Aboriginal culture, behaviour and history.
(3) Establish a register of Aboriginal resource people who can assist with program components and related activities, including field experiences.
(4) Provide trainer/training programs for Aboriginal resource people.
(5) Compile an annotated list of appropriate audio-visual and print resources for use in the programs.
(6) Liaise with a range of agencies, organisations, groups and individuals working in areas of concern to Aborigines, and establish a register of sources of support for DCS staff when working with Aboriginal offenders.
(7) Work closely with departmental staff (Staff Development and Aboriginal Liaison Officers) to monitor training needs and review activities.
(e) A report of the Cross-cultural Awareness Program is included as part of the department's regular reporting of progress on Muirhead Royal Commission initiatives.
Office of Transport Policy and Planning 1990-91 Consultancies
1. Transport Hub Project.
2. *(a)* Centre for Transport Policy Analysis, University of Wollongong.
(b) No, centre is the only organisation in Australia with the necessary data and expertise.
(c) $34 500.
(d) To develop a computer based model of inter-regional freight flows in Australia by all modes of transport to assist in analysing the concept of Adelaide as a transport hub.
(e) No, the model outputs are used as basic data in the Transport Hub Project being undertaken by the Department of Industry, Trade and Technology.
1. Transport Planning Model Development Study.
2. *(a)* PPK Consultants.
(b) Yes.
(c) $31 806.
(d) To develop a suite of computer based transport planning models to provide the transport agencies with the tools to plan for the development of the metropolitan transport system.
(e) No, project is continuing.
1. National Rail Freight Initiative.
2. *(a)* Brandwood Proprietors.
(b) No, Mr H. Young invited to represent the South Australian Government on the National Rail Freight Initiative Task Force.
(c) $24 890.
(d) To represent the South Australian Government on the National Rail Freight Initiative Task Force.
(e) No.
1. Adelaide-Melbourne Rail Standardisation.
2. *(a)* PPK Consultants.
(b) Yes.
(c) $19 920.
(d) To examine the benefits to South Australia of converting the Adelaide to Melbourne rail line to standard gauge.
(e) Yes. Yes.
1. Transport Logistics Study.
2. *(a)* PPK Consultants.
(b) No, second phase of a previous project.
(c) $13 991.
(d) To identify the role that transport plays in the operation of two South Australian firms and examine ways in which transport costs can be minimised.
(e) Yes. Yes.
1. Transport Planning Model Development Study.
2. *(a)* Denis Johnston and Associates.
(b) Yes.
(c) $11 993.
(d) To prepare a detailed study designed for the development of a suite of computer based transport planning models.
(e) No.
1. Program Planning.
2. *(a)* DMA and Needham Consulting.
(b) No, selected on recommendation of the Government Management Board.
(c) $9 339.
(d) To assist TPP staff to carry out program planning for research and development activities.
(e) No.
1. Interstate Bus Regulations.
2. *(a)* P.D. Keal.
(b) No, selected on basis of extensive knowledge of intrastate bus regulations in South Australia.
(c) $3 200.
(d) To review existing intrastate bus regulations and recommend reforms to assist the bus industry to improve efficiency of service.
(e) No.
1. Economic Analysis Manual.
2. *(a)* Printax.
(b) Yes.
(c) $2 830.
(d) To prepare artwork for the Economic Analysis Manual.
(e) Yes. Yes.
1. Transport Planning for Tourism.
2. *(a)* AGB Research Australia.
(b) Yes.
(c) $2 500.
(d) To identify the accessibility of tourism destinations in South Australia by various modes of transport.
(e) Yes. Yes.
1. Road Pricing.
2. *(a)* K. Long.
(b) Yes.
(c) $1 500.
(d) To upgrade parameters in the road pricing computer model used by TPP.
(e) No.
1. North East Busway.
2. *(a)* J. Simons.
(b) No, Mr Simons was former member of the North East Busway Team and the only person with required knowledge.
(c) $1 200.
(d) To finalise outstanding issues relating to the North East Busway Project.
(e) No.
1. Community Transport Study.
2. *(a)* Prism Planning and Research.
(b) Yes.
(c) $1 063.
(d) To examine the merits of establishing a transport brokerage in the Victor Harbor area to coordinate community transport services.
(e) No.

1991-92 Consultancies

1. Community Transport Study.
2. *(a)* Prism Planning and Research.
(b) Yes.
(c) $17 500.
(d) To investigate local transport needs in the Victor Harbor area and implement pilot transport brokerage scheme.
(e) No.

State Transport Authority
1990-91 Consultancies

1. Public Enquiry Timetable System (PETS).
2. *(a)* Australian Technology Resources.
(b) No; Australian Technology Resources was the successful tenderer for the PETS project.
(c) $90 012.
(d) To assist in the final tender selection process for the PETS.
(e) Yes. No.
1. Customer Preference Advice on Layout of New Buses.
2. *(a)* Harrison Market Research Pty Ltd.
(b) Selected market research consultants in Adelaide were invited to tender.
(c) $5 850.
(d) To ensure that the layout and appointment of the STA's 307 new buses meets its customers' changing needs.
(e) Yes. No.
1. Periodic Performance Based Market Survey.
2. *(a)* Reark Research.
(b) No; four firms were requested to submit proposals, with selection being made on the basis of ability and cost.

(c) $30 500.

(d) To undertake a telephone survey progressively during each year 1990-94 to determine public transport's share of peak periods trips, its share of peak city based trips, and the community's perception of the performance and ease of use of public transport.

(e) Yes. No.

1. Study of Declining Use of Public Transport by Regular Fare Paying Passengers.

2. *(a)* Bowden Sexton Pty Ltd.

(b) Selected market research consultants in Adelaide were invited to tender.

(c) $9 000.

(d) To conduct and report on group discussions set up to ascertain STA customers' reasons for making less use of, or ceasing to use, the STA's public transport services.

(e) Yes. No.

1991-92 Consultancies

1. Ongoing Assistance with the Computer Model for the Adelaide Public Transport Network Study (APTRANS).

2. *(a)* Travers Morgan Pty Ltd.

(b) Yes; selected transport planning consultant firms known to have experience in computer modelling were invited to tender for the original contract in 1989-90. This contract has been ongoing during 1990-91 and 1991-92.

(c) $80 000.

(d) To provide ongoing assistance with the IMPACTS Network Modelling software and for ongoing help in solving problems associated with the use of this software to assess options for alternative means of providing public transport in Adelaide.

(e) Yes. No.

1. Assessment of Impact of Tonsley Interchange and Extension of Glenelg Tramline.

2. *(a)* Travers Morgan Pty Ltd.

(b) No; a quotation for fees involved for a time based contract was sought. Tendering was not appropriate as the IMPACTS software being used by the STA was developed by Travers Morgan.

(c) $30 000.

(d) To assess the impact on public transport users and STA resource requirements of both the bus/rail interchange at Tonsley and the extension of the Glenelg tramline northwards from Victoria Square to North Terrace, Adelaide.

(e) Yes. No.

Metropolitan Taxi-Cab Board

1. Share and Save.

2. *(a)* Michels Warren.

(b) No; the consultancy was awarded after the board sought expressions of interest from three public relation companies.

(c) $14 401.30.

(d) To advise people of the benefits of multiple hiring during the Grand Prix period (and set the scene for broader acceptance in the future).

To promote the four designated ranks for the best taxi service during the Grand Prix, particularly for multiple hiring.

(e) Yes. No.

Department of Road Transport

1990-91 Consultancies

1. Random Breath Testing Roadside Survey.

2. *(a)* National Health and Medical Research Council's Road Accident Research Unit (RARU).

(b) No; RARU has the only recognised experts undertaking this type of survey.

(c) $47 170.

(d) To determine the influence of various programs and activities on the incidence of drink driving.

(e) No.

1. Health Omnibus Survey (Commissioned by the South Australian Health Commission).

2. *(a)* Harrison Market Research Pty Ltd.

(b) Yes.

(c) Department of Road Transport contributed $20 495.

(d) To provide an indicator of the public's perception of several road safety topics included in the survey.

(e) No.

1. Evaluation of Effects of Reduced Legal Blood Alcohol Limits for Drivers.

2. *(a)* National Health and Medical Research Council's Road Accident Research Unit (RARU).

(b) No; RARU has the only recognised experts undertaking this type of survey.

(c) $58 000.

(d) To calculate the effect of the reduction in the legal limit from .08 to .05 using an on-road survey of drink driving levels.

(e) No.

1991-92 Consultancies

1. Evaluation of Drink Driving Publicity/Random Breath Testing by Telephone Survey and Group Discussions.

2. *(a)* Communication and Marketing Research and Associates.

(b) Several companies were invited to submit proposals based on a study brief supplied.

(c) $22 405.

(d) To gauge the public's perception of publicity and enforcement aimed at discouraging drivers from drinking.

(e) Yes. No.

1. Evaluation of Visual Conspicuity of Drivers of Vehicles with Tinted Windscreens.

2. *(a)* Ms J. Willson.

(b) No; this consultancy is a development on research Ms Willson has undertaken in this area.

(c) $7 500.

(d) Develop a new way of testing the effects of window tinting on visibility for drivers.

(e) No.

MINISTERIAL STAFF

49. **The Hon. R.I. LUCAS** asked the Attorney-General:

1. What were the names of all officers working in the offices of the Minister of Emergency Services, Mines and Energy and Forests as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

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

Ministerial/GME as at 1.8.91	Name	Salary $	Remuneration $
Ministerial	D. Abfalter	—	—
Ministerial	P. Charles	—	—
GME	—	—	—
GME	—	—	—
GME	—	—	—
GME	—	—	—
GME	—	—	—
GME	—	—	—
GME	—	—	—

Ministerial/GME as at 12.2.92	Name	Salary $	Remuneration $
Ministerial	D. Abfalter	41 505	4 151
Ministerial	P. Charles	44 699	6 705
GME	—	42 025	—
GME	—	34 850	—
GME	—	41 568	—
GME	—	29 008	—
GME	—	24 908	—
GME	—	21 742	—
GME	—	21 742	—

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

52. **The Hon. R.I. LUCAS** asked the Minister of Tourism:

1. What were the names of all officers working in the offices of the Minister of Industry, Trade and Technology, Agriculture, Fisheries and Ethnic Affairs as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. BARBARA WIESE: The replies are as follows:

Ministerial/GME as at 1.8.91	Name	Salary $
Ministerial	Kevin Foley	44 542
Ministerial	Jim Kouts	50 086
GME	—	41 454
GME	—	34 000
GME	—	26 519
GME	—	23 375
GME	—	25 300
GME	—	22 000
GME	—	22 600
GME	—	20 061
GME*	—	36 412
GME**	—	30 300

Ministerial/GME as at 1.2.92	Name	Salary $
Ministerial	Kevin Foley	45 656
Ministerial	Jim Kouts	55 874
GME	—	42 490
GME	—	34 850
GME	—	27 182
GME	—	23 959
GME	—	25 933
GME	—	23 165
GME	—	23 165
GME	—	21 127
GME*	—	37 322
GME**	—	46 125

*Research Assistant, Department of Agriculture

**Ministerial Liaison Officer, Department of Agriculture

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

53. **The Hon. R.I. LUCAS** asked the Minister of Tourism:

1. What were the names of all officers working in the offices of the Minister of Housing and Construction, Public Works and Recreation and Sport as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. BARBARA WIESE: The replies are as follows:

Ministerial/GME as at 1.8.91	Name	Salary $
Ministerial	S. Bryant	43 810
Ministerial	K. Ashford	46 079
GME*	—	42 801
GME*	—	45 000
SAHT Act*	—	45 027
SAHT Act*	—	45 027
GME	—	40 479
GME	—	38 437
GME	—	30 473
GME	—	27 720
GME	—	25 111
GME	—	21 761
GME	—	23 902
GME	—	20 900
GME	—	19 739

Ministerial/GME as at 1.2.92	Name	Salary $
Ministerial	S. Bryant	44 905
Ministerial	K. Ashford	51 404
GME*	—	42 025
GME*	—	46 125
SAHT Act	—	46 153
SAHT Act	—	46 153
GME	—	42 025
GME	—	31 235
GME	—	28 413
GME	—	25 933
GME	—	22 305
GME	—	20 244
GME	—	22 550
GME	—	22 550

It should be noted that the officers marked with an asterisk are Liaison Officers from their respective agencies and as such their salaries are funded from departmental budgets.

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

55. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage:

1. What were the names of all officers working in the offices of the Minister of Education and Children's Services as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. ANNE LEVY: The replies are as follows:

Ministerial/GME as at 1.8.91	Name	Salary $
Ministerial	R. Slee	43 810
Ministerial	D. Lewis	46 070
Ministerial	I. Short	43 520
GME*	—	53 370
GME	—	20 619
GME	—	21 179
GME	—	22 919
GME	—	26 519
GME	—	22 919
GME	—	23 902
GME	—	23 902
GME	—	29 204
GME	—	41 000
GME	—	25 820
GME	—	45 000

Ministerial/GME as at 1.2.92	Name	Salary $
Ministerial	R. Slee	44 905
Ministerial	D. Lewis	51 404
Ministerial	I. Short	44 610
GME*	—	54 707
GME	—	21 742
GME	—	22 305
GME	—	23 484
GME	—	27 185
GME	—	23 484
GME	—	24 500
GME	—	24 500
GME	—	29 934

Ministerial/GME as at 1.2.92	Name	Salary $
GME	—	42 045
GME	—	26 960
GME	—	46 125

*Located in the Minister's office but part of the Director-General's establishment.

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

56. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage:

1. What were the names of all officers working in the offices of the Minister of Transport, Correctional Services and Finance as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. ANNE LEVY: The replies are as follows:

Ministerial/GME as at 1.8.91	Name	Salary $	Remuneration $
Ministerial	W. P. Chapman	40 493	4 049
Ministerial	L. M. Sweeney	40 069	5 010
GME	—	20 061	—
GME	—	20 061	—
GME	—	16 506	—
GME	—	41 000	—
GME	—	23 902	—
GME	—	30 473	—
GME	—	26 300	—
GME	—	LWOP	—

Ministerial/GME as at 1.2.92	Name	Salary $	Remuneration $
Ministerial	W. P. Chapman	41 505	4 151
Ministerial	K. M. Mathewson	44 699	6 705
GME	—	20 563	—
GME	—	20 563	—
GME	—	16 919	—
GME	—	42 025	—
GME	—	24 500	—
GME	—	31 235	—
GME	—	26 958	—

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

57. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage:

1. What were the names of all officers working in the offices of the Minister of Environment and Planning, Water Resources and Lands as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. ANNE LEVY: The replies are as follows:

Ministerial/GME as at 1.8.91	Name	Salary $	Remuneration $
Ministerial	R. Clark	40 069	6 010
Ministerial	G. Loveday	39 827	3 982
Ministerial	D. Robertson	39 827	3 982
GME	—	30 473	—
GME	—	21 211	—
GME	—	25 300	—
GME	—	(maternity leave)	—
GME	—	23 375	—
GME	—	40 565	—
GME	—	20 061	—
GME	—	23 902	—
GME	—	27 008	—
GME	—	30 473	—
GME	—	31 249	—
GME	—	26 519	—

Ministerial/GME as at 1.2.92	Name	Salary $	Remuneration $
Ministerial	R. Clark	44 699	6 705
Ministerial	G. Loveday	40 823	4 082
Ministerial	D. Robertson	41 505	4 151
GME	—	24 500	—
GME	—	31 235	—
GME	—	21 742	—
GME	—	25 933	—
GME	—	23 165	—
GME	—	23 959	—
GME	—	21 742	—
GME	—	42 025	—
GME	—	21 127	—
GME	—	27 683	—
GME	—	31 235	—
GME	—	27 182	—

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

58. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage:

1. What were the names of all officers working in the offices of the Minister of Employment and Further Education, Youth Affairs, Aboriginal Affairs and Minister assisting the Minister of Ethnic Affairs as of 1 August 1991 and 1 February 1992?

2. Which officers were 'ministerial' assistants and which officers had tenure and were appointed under the GME Act?

3. What salary and other remuneration was payable for each officer?

The Hon. ANNE LEVY: The replies are as follows:

As at 1 February 1992 there had been no change in positions, other than one occupied by a GME Act employee which had been vacated and was yet to be filled.

Ministerial/GME	Name	Salary $	Remuneration $
Ministerial	J. Gregory	44 699	6 705
Ministerial	A. Martin	40 823	4 082
GME	—	29 934	—
GME	—	37 322	—
GME	—	18 624	—
GME	—	38 950	—

Ministerial/GME	Name	Salary $	Remuneration $
GME	—	24 500	—
GME	—	20 808	—
GME	—	18 624	—
GME	—	32 030	—
GME	—	27 182	—
TAFE Act	—	54 352	—

The current Labor Government and the previous Liberal Government adopted the practice of employing a number of personal staff to the Minister on a contract basis. Given the nature of that public employment it is considered appropriate to disclose the name of the person involved and details as to remuneration.

In addition to contract staff, ministerial offices are also serviced by officers employed under the Government Management and Employment Act. These officers are often seconded from departments under the Minister's control and are periodically rotated or otherwise moved into and from positions within the mainstream of Public Service. It is therefore not considered appropriate to identify officers who happen to be located in a ministerial office at a particular point in time.

TRAFFIC INFRINGEMENT NOTICES

59. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. How many traffic infringement notices were issued to drivers detected with a BAC level between .05 and .079 in the six months 1 July-31 December 1991?

2. What is the total value of expiation fees collected for such offences during this period?

3. How many offences have failed to expiate the traffic infringement notice, and of this number how many have been subject to a court hearing and a penalty on conviction of up to $700?

The Hon. ANNE LEVY: The replies are as follows:

1. 469 notices issued.

2. 348 notices expiated to date in the amount of $41 131.

3. 106 unexpiated notices sent to prosecution. Statistics are not maintained in respect of the number of these that have been finalised by a court hearing or the penalties imposed.

MARKET RESEARCH

60. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. What is the STA's policy in respect to the calling of tenders for the conduct of market research?

2. Why were tenders not called for the following market research undertaken by STA in 1989-90?

- McGregor Advertising ($18 000) re possible market penetration of bulk multi-trip ticket sales to corporate bodies.
- Harrison Market Research ($5 600) re attractiveness of prepackage blocks of cash tickets.

3. What 'limited tender' system operated prior to STA's decision in 1989-90 to award a $10 744 consultancy to AMPT Applied Research to undertake a customer preference study—Stage 1?

The Hon. ANNE LEVY: The replies are as follows:

1. Where a project necessitates specialist knowledge in the area of market research, a brief outlining the work is sent to at least three firms with expertise in this area, seeking expressions of interest. Tenders are then received in the form of a written proposal, giving details of the methodology to be used and a quotation for the cost of the project. Each proposal is in turn evaluated, and a decision on which company should undertake the work is made on the basis and the level of service to be provided. Since June 1990 ministerial approval is sought for market research projects for which outside consultants are to be engaged.

2. The State Transport Authority (STA) has a contract with Them Advertising in compliance with Circular 9 from the Premier's Department. After initial talks with Them, and on the advice of that company, focus groups were conducted to test the viability of the market penetration of bulk multitrip tickets by McGregor Advertising. The latter company were regarded by Them as specialists in that field.

Harrison Market Research Pty Ltd was the only firm invited to submit a proposal as it required a consultant with recent knowledge of STA ticketing equipment and with expertise in group discussion leadership. The company had previously undertaken a number of surveys on the usage of weekly, monthly and pre-sold tickets over several years. The company had previously been appointed by successfully tendering in competition from other firms.

3. The current policy of calling for at least three tenders for market research projects was in operation prior to the awarding of a consultancy to AMPT Research in 1989-90. In this case, invitations to submit proposals were sent to five firms who were known to have the expertise to carry out this particular project.

RANDOM INSPECTION UNITS

61. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage: In relation to random inspection units for vehicles weighing more than 4.5 tonnes—

1. How many units operate at present and how many officers are assigned to the task full time/part time?

2. What is the estimated cost of operating these units and associated teams this financial year?

3. Are more units to be acquired this financial year and, if so, how many and at what cost?

4. Does the Government plan to transfer full responsibility for vehicle safety enforcement to the Department of Road Transport or continue with the current practice where enforcement remains principally a police function?

The Hon. ANNE LEVY: The replies are as follows:

1. One ROSAT unit has been purchased and put into service at the present time. The ROSAT equipment is operated as part of the total vehicle inspection function and is operated by two officers drawn from the vehicle inspection staff on a rotation basis. The unit is currently scheduled to operate on a five day per week basis.

2. The estimated cost of operating the ROSAT program is $143 000 per year.

3. The Department of Road Transport has not ordered additional ROSAT units for delivery in the 1991-92 financial year.

4. There are no plans to vary the responsibility for on-road vehicle safety enforcement, and the police will continue to play the major role. The ROSAT heavy vehicle inspection program will complement the police activities in this area.

CONTAINER TRADE

69. **The Hon. DIANA LAIDLAW** asked the Attorney-General: What is South Australia's share of the total Australian container trade and what targets have been set for each year to the year 2000 as the State's share of the Australian container trade?

The Hon. C.J. SUMNER: The Port of Adelaide presently handles approximately 40 000 containers per year. Port Adelaide's proportion of total Australian container trade has remained constant at about 2.5 per cent to 3 per cent over the past six years. The Adelaide transport hub has the potential to increase container trade significantly through the Port of Adelaide. The hub is specifically aimed at a niche market across Australia of time-sensitive containers (for example, automotive parts, industrial chemicals, specialty foods and goods for specific events, and so on).

Successful implementation of present hub initiatives is estimated to attract up to 50 000 interstate containers per year through the Port of Adelaide by 1996. Approximately two-thirds of South Australian containers presently passing through interstate ports (that is, 20 000 to 25 000 containers) are also expected to use the Port of Adelaide when hub initiatives are in place.

The total estimated annual container throughput for the Port of Adelaide as part of the transport hub is of the order of 110 000 to 120 000 containers per year by 1996. This represents a threefold increase over present throughput. Further growth is likely, but estimates to the year 2000 will be significantly influenced by prevailing national transport and economic circumstances and also by the pace of reform in other Australian ports.

COMMUNITY SERVICE OBLIGATIONS

70. **The Hon. DIANA LAIDLAW** asked the Attorney-General representing the Minister of Marine:

1. Has the Department of Marine and Harbors completed the development of business plans covering its community service responsibilities in the following areas: the *Island Seaway*; the fishing industry; maritime safety; recreational boating safety; recreational boating facilities; recreational jetties; pollution management; project management; and West Lakes waterway services?

2. What is the estimated value of the department's community service obligations (CSOs) in each instance this financial year?

3. In dollar terms to what extent is the department underwriting its CSOs this financial year from its commercial shipping and cargo services?

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

1. No, but considerable development work has been undertaken.

2. The following table outlines the budget details at the start of the year:

Budgeted Income and Expenditure 1991-92 CSOs

Program	Income $'000	Expenditure $'000	Surplus/ (Shortfall) $'000
Fishing Industry	478	2 168	(1 690)
Island Seaway Subsidy	5 500	5 100	400
Island Seaway Port OpERAtions	428	726	(298)
Maritime Safety	451	1 319	(868)
Oil Pollution Management	0	62	(62)
Recreational Boating Safety	1 034	1 090	(56)
Recreational Boating Facilities	39	953	(914)
Recreational Jetties	0	537	(537)
Project Management	0	1 642	(1 642)
West Lakes Waterway Services	0	316	(316)
Total	7 930	13 913	(5 983)

3. The following table outlines the budgets for commercial income and expenditure as at the start of the year:

Budgeted Income and Expenditure 1991-92 Commercial

Commercial	Income $'000	Expenditure $'000	Surplus $'000
Port Adelaide and Regional Ports	46 491	38 714	7 777

In overall terms the department budgeted for a surplus of $1.8 million which is the difference between the commercial surplus of $7.8 million and the loss on CSOs of $6 million. Although, in this difficult trading year, it is unlikely that these targeted results will be achieved, the extent of any downturn cannot be determined at this stage of the year.

DEPARTMENT OF MARINE AND HARBORS

71. **The Hon. DIANA LAIDLAW** asked the Attorney-General: has the Department of Marine and Harbors finalised details of its financial charter, including debt equity structure and dividend policy and, if so, what outcomes have been determined?

The Hon. C.J. SUMNER: The Department of Marine and Harbors' commercial operations have been guided by a broad financial charter that was established in June 1990. A dividend policy and debt equity structure has not yet been finalised due to continuing accounting profession and intergovernmental deliberations over the evaluation method for assets and performance measures for Government trading enterprises.

72. **The Hon. DIANA LAIDLAW** asked the Attorney-General: following the review undertaken by the Department of Marine and Harbors in 1990-91, what value has been placed on categories of assets in each DMH commercial port in South Australia and what target return on assets has been set?

The Hon. C.J. SUMNER: The department has assets recorded under three separate values for commercial ports. These are historical, market and replacement cost values. The department favours the use of market value for all commercial ports assets but this view is not necessarily accepted by State Treasury due to the developmental work still being carried out by professional accounting bodies and the Federal Government on suitable performance measures for Government trading enterprises.

This could have a significant impact on the appropriate target rate of return and explicit targets have not yet been set. However, the original financial charter for the department provides for the establishment of a target rate of return that at least equals the real cost of funds to the public sector.

73. **The Hon. DIANA LAIDLAW** asked the Attorney-General:

1. What assets has the Department of Marine and Harbors disposed of in the first half of 1991-92?

2. What funds were realised in each instance?

3. What further assets is it proposed will be disposed of in the later half of this financial year?

4. What are the Department's plans for the future of the site formerly occupied by the Osborne Bulk Handling Plant?

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

1. and 2. The table below provides a summary of the assets disposed of for the first six months of 1991-92 along with the funds received from each sale.

	$
Sale of Land at Barmera	46 294.04
Sale of Cranes—Osborne (Scrap)	45 505.25
Sale of VBehicles	333 610.77
Sale of Floating Plant	18 000.00
Sale of Glanville Workshop Equipment	93 856.53
Total Sale of Assets	$537 266.59

3. It is expected that approximately $8.4 million of debt will be retired from the transfer of land.

4. Works to re-establish power and lighting services to the Osborne area following the demolition of the Osborne BHP were held over pending market research and determination of future shipping demand for these berths.

A lease for Osborne No. 2 Berth was recently finalised with Australian Cement Ltd for servicing cement imports.

RECREATIONAL JETTIES

75. **The Hon. DIANA LAIDLAW** asked the Attorney-General: In relation to the Department of Marine and Harbors objective in 1991-92 to review responsibilities for services related to local government—

1. How many recreational jetties does the Department Own and/or maintain in South Australia and what is the location of each?

2. Will the Minister clarify whether or not he believes ownership and future maintenance of recreational jetties should be transferred to respective local councils?

3. If so does he favour such a transfer being negotiated at current valuation or at no capital cost to councils?

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

1. The following list indicates recreational jetties which are controlled by the Minister of Marine.

2. The recreational jetties are in almost all instances former commercial structures that have no further use for that purpose and are now used by the general public for recreational fishing and promenading. It is apparent that in many circumstances they are a significant tourist attraction for the township where they are located and enhance the amenity of the area. The responsibility for the future ownership and maintenance should be transferred to the relevant local government authority.

3. They should be transferred at no capital cost to councils.

Jetty	Lease Status	Local Authority
Arno Bay	Leased	Cleve
Ardrossan	Not Leased	Central Yorke Peninsula
Beachport	Leased (portion)	Beachport
Brighton	Not Leased	Brighton
Denial Bay	Leased	Murat Bay
Edithburgh	Leased	Yorketown
Emu Bay	Leased	Kingscote
Grange	Not Leased	Henley and Grange
Haslam	Not Leased	Streaky Bay
Henley Beach	Not Leased	Henley and Grange
Hog Bay	Leased	Dudley
Largs Bay	Not Leased	Port Adelaide
Louth Bay	Leased	Lower Eyre Peninsula
Marion Bay	Leased	Warooka
Mount Dutton Bay	Leased	Tumby Bay
Murat Bay	Leased	Murat Bay
Normanville	Leased	Yankalilla
North Shields	Leased	Lower Eyre Peninsula
Port Augusta	Leased	Port Augusta
Port Elliot	Leased	Port Elliot and Goolwa
Port Germein	Not Leased	Mount Remarkable
Port Gibbon	Leased	Franklin Harbour
Port Hughes	Leased	Moonta
Port Julia	Leased	Minlaton
Port LeHunte	Not Leased	Out of Councils
Port Neill	Leased	Tumby Bay
Port Noarlunga	Leased	Noarlunga
Port Rickaby	Leased	Minlaton
Port Turton	Leased	Warooka

Jetty	Lease Status	Local Authority
Port Victoria	Leased	Central Yorke Peninsula
Robe	Leased	Robe
Rosetta Head	Leased	Victor Harbor
Second Valley	Leased	Yankalilla
Semaphore	Not Leased	Port Adelaide
Smoky Bay	Leased	Murat Bay
Stansbury	Leased	Yorketown
Stenhouse Bay	Leased	Innes National Park
Tumby Bay	Leased	Tumby Bay
Wool Bay	Leased	Yorketown
River Murray—		
Meningie	Leased	Meningie
Milang	Not Leased	Strathalbyn
Morgan	Not Leased	Morgan
Narrung	Leased	Meningie

IMPORTS AND EXPORTS

76. **The Hon. DIANA LAIDLAW** asked the Attorney-General:

1. In the preparation of the Department of Marine and Harbors long term development plan for the Port of Adelaide, was an assessment made of the potential impact on import and export volumes arising from the construction of a railway line from Alice Springs to Darwin and associated port facilities at Darwin?

2. If so, what were the conclusions of this assessment?

3. If not, why not?

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

1. Yes. The potential impacts on cargo throughput (primarily containers) of this project and other issues, including the effects of waterfront reform and further developments in the east coast capital city ports, changing cost and time advantages arising from the National Rail Corporation (NRC), changes in shipping schedules and pricing policies, and also commodity prices are continually considered in the development planning for all South Australian ports, including the Port of Adelaide.

2. The assessment suggests that the impacts of the Alice Springs-Darwin line and improvements in the Port of Darwin on import and export volumes through South Australian ports are not likely to be large. The Port of Adelaide does compete with other ports in the container trade and in some breakbulk cargoes, for example, cars. Growth in container movements through the Port of Adelaide arising from the implementation of transport hub initiatives within the next one to two years are projected to increase container throughput threefold by 1996.

The hub is specifically aimed at a niche market across Australia of time-sensitive containers (for example, automotive parts, industrial chemicals, specialty foods and goods for specific events, etc.). Experience of shippers of the reliability and service advantages of the Port of Adelaide as part of the transport hub will confirm overseas experience showing cargo interests are even prepared to pay a small premium for the reliable and timely delivery of time-sensitive containers and other cargoes, that is, those which are of high value or are urgent. Non-price factors, that is, guaranteed delivery times and cargo security, are as important as transport costs to customers for these services and will reduce the leakage of transport hub cargo to other ports.

3. Not applicable.

77. **The Hon. DIANA LAIDLAW** asked the Attorney-General:

1. In relation to the Port of Adelaide what targets have been set this financial year in respect to the number of vessels arriving at the Port, including oveseas traffic; the volume of imports and exports; and the number of TEU containers handled?

2. What were the results in each respect as at 30 December 1991?

3. Based on these results is the Minister confident that the targets set for 1991-92 will be realised?

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

1. Estimated number of vessels 845.
Estimated imports 2.51 million tonnes.
Estimated exports 1.95 million tonnes.
Estimated containers 30 000 TEU.

2. Number of vessels 423.
Imports 980 000 tonnes.
Exports 970 000 tonnes.
Containers 15 644 TEU.

3. The original estimates for 1991-92 have been revised as follows:
Number of vessels 865.
Imports 2.15 million tonnes.
Exports 1.95 million tonnes.
Containers 30 000 TEU.

Imports are now expected to fall by 14 per cent because of the economic recession. The vessel numbers are now expected to increase marginally because of an increase in petroleum product shipments, notwithstanding a decrease in the total quantity shipped.

JET SKIS

78. **The Hon. DIANA LAIDLAW** asked the Attorney-General: as forecast in the Department of Marine and Harbors Annual Report 1990-91, has the department yet determined/introduced a number of special jet ski areas along the metropolitan foreshore to solve current problems associated with noise and swimmer safety?

The Hon. C.J. SUMNER: The concept of dedicated jet ski zones was originally proposed by the Department of Marine and Harbors following public complaints about the use of jet skis at metropolitan beaches. Local residents are clearly concerned about the noise emitted by these craft and the Department of Marine and Harbors is also concerned about the potential risk to swimmers caused by jet skiers using popular swimming areas. These concerns led the department to propose the establishment of dedicated jet ski areas located away from residential and popular swimming areas, whilst simultaneously restricting the use of jet skis outside these areas. The department subsequently discussed this concept with seaside council and boating industry representatives. Following these initial discussions, the department also proceeded to identify six potential sites along the metropolitan coastline, each about 400 metres square and located some distance from residential housing. The overall concept and details of suggested sites were then put to individual seaside councils for their consideration.

Despite an initial degree of support from the individual councils affected by the proposal, the majority of councils do not now support the introduction of special jet ski areas. Most councils have expressed concern at the idea of setting aside several hundred metres of beach exclusively for jet ski use whilst others consider the problem is not sufficient to warrant any action being taken at present. Consequently, the department has abandoned this proposal due to a lack of support. However, alternatives to address the problems associated with use of jet skis at metropolitan beaches are still being explored.

MOTOR BOAT REGISTRATION

79. **The Hon. DIANA LAIDLAW** asked the Attorney-General:

1. Have arrangements been finalised by the Department of Marine and Harbors for providing Fisheries and the Police Department with on-line access to motor boat registration and licence systems?

2. What was the cost of this initiative and which departments was/were responsible for meeting this cost?

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

1. The Department of Marine and Harbors has finalised all the arrangements necessary to enable Department of Fisheries access to motor boat registration and licence records. These arrangements were completed last year and included the purchase and installation of a communications modem at DMH head office and the necessary training of Department of Fisheries staff in the use of the facility. Installation of the necessary communications modem at the Department of Fisheries is currently being arranged. Access to boat registration and licence records by the Police Department is currently being assessed by both departments.

2. The total cost of the initiative to provide access to Fisheries is approximately $2 000 and is being shared by both departments. As the facility to enable access by the police has not yet been established, final costs are not available at present.

NAVIGATION ACT

80. **The Hon. DIANA LAIDLAW** asked the Attorney-General: When does the Minister of Marine propose to introduce the new Navigation Act?

The Hon. C.J. SUMNER: Cabinet has approved the drafting of a Navigation Act that combines the provisions of the present Marine and Boating Acts. Following further consultation it is proposed to introduce an appropriate Bill during the coming Budget Session with implementation by 1 March 1993.

GRAFFITI

81. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage: What was the cost of producing, printing and distributing the State Government Graffiti Action Strategy and how many pamphlets were printed?

The Hon. ANNE LEVY: An initial run of 300 leaflets entitled 'The State Government Graffiti Action Strategy' cost $155.99. Due to demand for the information, a further 4 000 leaflets werer produced at a further cost of $474.00. The total figure for printing was therefore $629.99.

Many of the leaflets have been distributed through State Youth Affairs at no cost. All electorate offices were offered leaflets; those that required them either collected them, had them hand-delivered or received them through the mail. In addition, a small number of leaflets have been posted as requests from organisations and the public have been received.

MARINE FREIGHT RATES

82. **The Hon. DIANA LAIDLAW** asked the Attorney-General:

1. Following consultation with the Kangaroo Island community, has the Department of Marine and Harbors resolved to reinstate its moderated pricing policy from January 1992 of a 10 per cent annual increase in freight rates, plus CPI?

2. If not, what price rises, if any are vessel users to pay this year?

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

1. Following the development of a business plan for the *Island Seaway*, a moderated pricing policy of 5 per cent plus CPI annual increase in freight rates was introduced in 1990-91, not 10 per cent plus CPI as indicated by the honourable member. Furthermore, since January 1991, CPI only increases have applied and there has not yet been a return to the moderated policy.

2. CPI only freight rate increases have been extended to 30 June 1992 when the position will be further reviewed. Prices are to be increased on 2 March 1992 by 2.7 per cent which is the CPI increase for the preceding six months.

STATE BICYCLE COMMITTEE

85. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. When was the review of the State Bicycle Committee initiated, and when is the review due to be completed?

2. Who is undertaking the reveiw and what are the terms of reference?

The Hon. ANNE LEVY: The replies are as follows:

1. At the State Bicycle Committee meeting held on 10 September 1991, the following motion was carried:

That the State Bicycle Committee recommend to the Minister of Transport that:

A review of cycling in South Australia be undertaken to;

(a) establish a clear statement of policy to guide the development of cycling in South Australia over the next decade;

(b) develop a strategic plan which identifies priority areas for action, this could feasibly be an update of the Adelaide Bike Plan; and

(c) determine appropriate organisational and financial arrangements for the promotion of cycling in the future, include the role and functions of the State Bicycle Committee, and the level of administrative support in agencies.

2. A consultant has not been appointed as the detail of the terms of reference have not been determined; however, they are close to completion.

STA STAFF

87. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts and Cultural Heritage:

1. How many positions are available within the STA for drivers and transit officers on trains and buses and for drivers and conductors on trams?

2. How many vacancies exist in respect to each employment category on STA trains, buses and trams?

The Hon. ANNE LEVY: The replies are as follows:

1. Within the STA the following positions are available:

Bus Operators 1 370
Train Drivers 120
Motormen 26
Conductors 35
Transit Officers 47

2. Although there is an ongoing turnover of staff in the operating areas there are no current vacancies due to placement of redeployees from both within the STA and other Government Agencies.

GOVERNMENT CARS

100. **The Hon. R.I. LUCAS** asked the Minister for the Arts and Cultural Heritage:

1. What is the total number of vehicles with private plates attached to the Minister of Transport's Department as of 1 March 1992?

2. What was the corresponding number of vehicles with private plates as at 1 March 1991?

3. What is the classification of each officer with access to a car with a private plate and what is the reason for the provision?

The Hon. ANNE LEVY: The replies are as follows:

State Transport Authority

1. Five.
2. Six.
3. —

Officers	Classification
General Manager	Chief Executive Officer
Director of Operations	Equivalent to EL-3 or above.
Director of Engineering	
Director of Human Resources	
Director of Finance	

The reason for the provision of these vehicles is in accordance with Cabinet approval which authorises the provision of private plated Government vehicles for the private use of executive officers classified at the EL-2 level and above.

Office of Transport Policy and Planning

1. One.
2. One.
3. Chief Executive Officer.

Department of Road Transport

1. Seven.
2. Seven.
3. One Chief Executive Officer (authorised by Remuneration Tribunal).
   Three Executive Officer's Level 3 (EL-3)—determined by Commissioner for Public Employment, 9 April 1990.
   Three Executive Officer's Level 2 (EL-2)—determeined by Commissioner for Public Employment, 9 April 1990.

PAPERS TABLED

The following papers were laid on the table:

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

Parliamentary Standing Committee on Public Works—Sixty-fifth General Report.
Remuneration Tribunal—Report relating to Determination No. 1 of 1992.
Justices Act 1921—Rules—Court Fees.
Regulations under the following Acts—
Dangerous Substances Act 1979—Gas Fitting.
Legal Practitioners Act 1981—Court Fees.
Local and District Criminal Courts Act 1926—Court Fees.
Supreme Court Act 1935—
Court Fees.
Probate Fees.

By the Minister of Consumer Affairs (Hon. Barbara Wiese)—

Regulations under the following Acts—

Fair Trading Act 1987—Health and Fitness Businesses.
Land Agents, Brokers and Valuers Act 1973.
Trustee Act 1936—Commonwealth Bank.

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Women and TAFE—A National Plan of Action.
Regulations under the following Acts—
Clean Air Act 1984—Burning of Refuse.
Education Act 1972—Director-General.

Road Traffic Act 1961—Vehicle Inspection Fees.
Metropolitan Taxi-Cab Act 1956—Applications to Lease.
Flinders University of South Australia—Repeal of By-laws of the former South Australian College of Advanced Education.

By the Minister for Local Government Relations (Hon. Anne Levy)—

Review of Regional Arts Development in South Australia, January 1992.
Corporation By-laws—
City of Glenelg—No. 3—Vehicle Movement.
City of Noarlunga—
No. 1—Penalties and Permits.
No. 2—Flammable Undergrowth.
No. 3—Bees.
No. 4—Petrol Pumps.
No. 5—Dogs.
No. 6—Animals, Birds and Poultry.
No. 7—Caravans and Tents.
No. 8—Parks, Playgrounds and Reserves.
No. 9—Streets and Street Traders.
No. 10—Traffic.
No. 11—Garbage.
No. 12—Bridges and Jetties.
No. 13—Beach and Foreshore.
No. 14—Bird Scarers.
No. 15—Signs.
No. 16—Repeal of By-laws.

MINISTERIAL STATEMENT: JUVENILE JUSTICE

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement on the subject of community service orders for juvenile offenders.

Leave granted.

The Hon. C.J. SUMNER: In a radio interview on 5CK on 13 February 1992, the Hon. Mr Griffin made assertions about the Department for Family and Community Services and its administration of community service orders imposed on juvenile offenders by the children's Court. He said:

> One of the criticisms about the Children's Court in relation to the treatment of young offenders is that when a penalty is imposed, frequently it is varied administratively by the Department for Family and Community Services.

That is not true. He also said that:

> (When) the Children's Court judge wants to order community work, he is told by the Department for Family and Community Services officers that 'Look, sorry, there's no work available' or 'We haven't got this plan in place.'

That is also not true. Mr President, I wish to make the Parliament and the public of South Australia aware of what is the case. I said, on the same interview, that if Mr Griffin's allegations were correct, then it was unacceptable. However, his allegations are not correct.

I would like to place on the record the following material I have received from the Director, Family and Community Services, which clarifies and corrects the situation, incorrectly described by Mr Griffin. First, in relation to the administrative variation of orders: there is no administrative power whereby FACS can vary an order of the Children's Court, other than to appeal and such a variation would be given by a higher judicial authority. The Training Centre Review Board is established under section 62 (2) of the Children's Protection and Young Offenders Act 1979 and consists of: the judges of the Children's Court; two persons with appropriate skills and experience in working with young people, appointed by the Governor upon the recommendation of the Attorney-General; and two persons with appropriate skills and experience in working with young people, appointed by the Governor upon the recommendation of the Minister of Family and Community Services.

Section 64 of the Children's Protection and Young Offenders Act gives the exclusive power to the Training Centre Review Board to release a child detainee subjects to conditions set by the board itself. The department cannot release a child on any basis without the authorisation of the Training Centre Review Board. Any change to, or 'watering down' of, a detention order is therefore not made by FACS, but rather by an independent quasi-judicial authority exercising special powers under the Children's Protection and Young Offenders Act.

Mr Griffin further implied that the department had failed to implement other aspects of Children's Court orders. In particular he suggested that the department had failed to supervise bonds as ordered by the court. Since the restructuring of the department and the development of youth teams, the department has been able to implement all the orders of the Children's Court in relation to young offenders.

Secondly, I refer to Mr Griffin's allegation that work for community service orders has not been provided. For the six-month period to 31 December 1991, 55 orders for community service work have been made and carried out under supervision and in the first two months of 1992 over 200 community service orders have been supervised. The work carried out on these orders includes:

- Workshop making coffee tables and wooden toys, which are then donated to charities.
- Landscaping railway tracks.
- Cleaning up graffiti at the Adelaide Children's Court.
- Landscaping and developing surrounding areas (that is sandpits and garden) at St Bernadette's School.
- Cleaning buses at the Lonsdale Bus Depot.
- Development of 'maze' at the Belair National Park.
- General maintenance at the Woorabinda Camp site.
- Wombat Shop—sorting goods, furniture repairs, general maintenance,
- Gardening and general maintenance at the Vales Baptist Centre.
- Kerb numbering for the Hindmarsh Council.
- Working with gardeners at the Adelaide Zoo.
- Assisting the Handyman Service for the Elderly with the St Peters council.
- Day Care Centre—assisting in looking after children.
- General maintenance of community facilities for the Goolwa council.
- Sorting furniture and clothing for the St Vincent de Paul.
- Spray painting collection bins; truck and warehouse cleaning for the Blind Welfare Association.
- Preparation of food hampers, furniture removal for the Kneecap Centre.
- Sorting of rags and clothing, and painting for the Tranmere Club.
- Furniture repairs for the Salvation Army.
- General maintenance and landscaping at Morialta Falls.
- General maintenance of the Aboriginal Neighbourhood House.
- Painting and general maintenance for the Youth Housing—Youth Service of the Barossa Valley.
- Maintenance of building projects for the Munno Para Skill Share.
- Graffiti clean-up projects at schools, railway stations, bus shelters and on bus-stop poles.

There may have been some initial delays while the system was being established and the department was in the process of restructuring and it is impossible to say that bottlenecks will not occur on occasions, but creative work is now being found for every community service order. I should also like to advise the Council that detention orders have increased significantly over the past 12 months. At 31 December 1991 there are 97 detention orders in force at SAYTC and

SAYRAC in respect of 72 individuals. On 30 June 1991, there were 50.

Members may also be interested to know that, in the six months to 31 December 1991, 192 orders to compensate the victims of convicted juvenile offenders were imposed in the Children's Court and that the average amount of compensation was $177.90. It is therefore not true to say, as the Hon. Mr Griffin did, that the Government was 'play-acting'. For the information of the honourable member and so that he and the Parliament will be better informed on the Juvenile Justice Programs run by the Department for Family and Community Services, I seek leave to table a document entitled 'A Brief Overview' of these programs.

Leave granted.

QUESTIONS

PRISONER EDUCATION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about prisoner education.

Leave granted.

The Hon. R.I. LUCAS: My office has been contacted in recent weeks by several constituents who are concerned that Correctional Services prisoners have had limited access to adult re-entry education since the transfer of these education services from the Department of Technical and Further Education to the Education Department. This transfer of responsibilities took place from the start of the 1991 school year. From that point the Open Access College (OAC) became the provider of adult re-entry education, including the new South Australian Certificate of Education besides a range of other 'interest' courses previously run by TAFE.

I am informed, however, that a dispute arose last year between the Education and Correctional Services Departments over who should pay for the cost of educating these prisoner students. To date that dispute—now 16 months old—is unresolved. The Education Department has decided, for the time being, not to charge for services it provides to students in gaols through the Open Access College. At the same time it has adopted a low-key attitude to promoting the availability of courses. This has led some inmates into believing that adult re-entry courses are no longer available in the prison system in South Australia. My questions to the Minister are:

1. Will he confirm that the Education and Correctional Services Departments are deadlocked over the issue of which department is responsible for meeting the cost of educating prisoners using the Open Access College?

2. If so, when is it expected that that dispute will be resolved? If not, what was the finalised arrangement for cost sharing with prisoner education?

3. What revenue has the Education Department had to forgo in the past 16 months by not charging the Department of Correctional Services for its services?

4. How many Department of Correctional Services inmates are currently studying through the OAC and how does this compare with the number of inmates studying adult re-entry subjects with TAFE in 1990?

5. Has the OAC deliberately neglected promoting its courses in prisons because of its dispute over payments with the Department of Correctional Services?

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

VICTIMS' RIGHTS

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

Leave granted.

The Hon. K.T. GRIFFIN: Last Friday the *Advertiser* published a story that a 19-year-old woman, named 'Cindy' for the purposes of the report, had withdrawn from criminal proceedings against a person charged with sexual abuse offences against her. The report said that she had withdrawn because she could not continue to face the tension and trauma of a number of postponements of her court case. The saga appears to have begun with a 7½ hour police interview, after which she was told that she would have to appear in court. There is no criticism of the police interview, as I understand.

Then followed the committal proceedings, after which the defendant was committed for trial. Four days before the trial was due to start in April 1991, it was deferred because no judges were available. In September 1991, by which time, the report indicated, there was no indication as to when the trial would be held, 'Cindy' rang the Crown Prosecutor, who was reported to have become upset with her, inquiring as to how she got his phone number.

She rang the listing section at the court and was told that the trial had been listed a month earlier, although she had not been aware of that. A trial date was subsequently set for February 1992 but, a day before it was due to start, 'Cindy' rang the Crown, who said that it had been delayed again because there were not enough judges. 'Cindy' then is reported to have said that she could not go on.

Police subsequently arrived at her home and, apparently, arranged for her to sign a statement that she was not proceeding. That was undertaken in the street, with the signing on the bonnet of the unmarked police car. According to the report, there was no explanation of that and no counselling.

The Chief Justice issued a statement explaining the difficulties in listing, and the Attorney-General later said that changes in the courts from 1 July 1992 would overcome some of these problems.

A number of questions arise in relation to the conduct of this case through the criminal justice system. They relate to lack of support for the victim through the whole process; lack of information to the victim as to trial dates; lack of communication by the Crown Prosecutor; and insensitivity towards the victim in concluding the process.

The primary principle in the statement of victims' rights laid down by the Attorney-General in 1985 is for the victim 'to be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity'. There are other principles in that statement which require the support of and communication with the victim through the criminal justice process, including information about trial dates and the conduct of the proceedings. My questions, in the light of that background, are as follows:

1. Does the Attorney-General agree that the handling of Cindy's case was not in accordance with the principles of victims' rights?

2. Why was that so in view of the focus which has been on victims' rights within the justice system since 1985?

3. What steps has the Attorney-General taken to correct the problems thrown up by Cindy's case?

4. With the significant increase in case load of the District Court in the courts restructuring, which I understand is to come into effect on 1 July this year, how can the Attorney-

General say that Cindy's experience is less likely to be repeated?

The Hon. C.J. SUMNER: I had not heard of any complaint about Cindy's treatment by the criminal justice agencies, the police and the Crown prosecutors, until the honourable member raised it here today. Obviously the Government expects the declaration of victims' rights to be adhered to by Government agencies. If it has not been, I should like information so that I can take up the matter with the persons concerned. There was nothing in the newspaper reports that I saw on the topic to suggest that the police or the prosecutors had not accorded the victim in this case the rights to which she was entitled under the Government's declaration of rights. However, I will have some inquiries made on that topic to see whether or not there were problems.

Last Friday I issued a press release on this matter which got some coverage but not in full, and it might be useful if I report that to the Council. My press release stated:

> The Attorney-General, Mr Chris Sumner, has asked the Chief Justice of the Supreme Court to examine the court's listing procedures to avoid a repetition of the circumstances surrounding the 'Cindy' rape trial case, reported in today's *Advertiser*.
>
> However, Mr Sumner said the full explanation of the delays in Cindy's case, as given to the media by the Chief Justice, had not been reported.
>
> The facts were that on the first adjournment a judge was not available due to a trial running longer than expected.

That does occur on occasions, even though the best attempts are made by the courts and counsel to estimate the length of trials. The press release continues:

> On the second adjournment, the case had a priority listing, but the defence counsel was not available and it was thought that in the interests of justice the case be relisted.
>
> On the third, the case was listed and ready to proceed, but the prosecution indicated the case would not go ahead at the request of Cindy.

So, the assertion in the *Advertiser* that there were not enough judges to hear Cindy's case is wrong: it is just plainly wrong to suggest that, on three occasions, there were insufficient judges to hear Cindy's case. The only time that it could be argued that a judge was not available to hear the case was on the first occasion and, even then, that was because a trial that had been set went longer than was expected, something which cannot always be avoided in the circumstances of the efficient listing of trials.

But on the second occasion it was given a priority listing. A judge was available, but the listing judge said that, because defence counsel were not available at the time and were involved in another case, he would not list the case. That was not because there were not enough judges available: it was because of engagements in which defence counsel were involved. You might argue—perhaps with some justification—that the trial judge should have said, 'Well, that is too bad. The defendant will have to get alternative counsel.' That is one of the reasons given for the justification of the so-called independent bar, namely, that if defence counsel are engaged in other cases the courts can say, 'Well, you must go to another barrister to handle the case.' But the listing judge did not say that in this case, and one could perhaps be critical of that decision.

However, on the second occasion it was adjourned not because a judge was not available. Likewise, on the third occasion it was not because a judge was not available: it was listed on 27 February and was due to go to trial on 28 February because another case was finishing off. Again, one would have thought that that was not an unreasonable proposition. So, the only time that it could be argued that insufficient judges were available is on the first occasion, and that will happen on occasions, no matter what listing system is adopted in the courts.

But, as I said, the assertion in the *Advertiser* that there were not enough judges on three occasions is patently wrong. What I also find objectionable about the *Advertiser's* reporting of the case—and, regrettably, in this job one is faced with complaining about the *Advertiser's* reporting of matters on a regular basis—is that the Chief Justice's full statement, which was given to the *Advertiser*, was censored. They chopped out the last four paragraphs because they did not fit in. Those four paragraphs explained the reasons for the delay, which was not the fact that there were insufficient judges. They censored it—chopped it out. It did not appear.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, they were the statements that I have just indicated. If the honourable member wants me to read it, I will. In fact, now that the honourable member has drawn it to my attention, I think I should read it. It is as follows:

> The trial was estimated to occupy four sitting days. At the first fixture on 29 April 1991 a judge was not available due to a long trial which had run longer than its estimated length. It was relisted for 19 August 1991. On 19 August 1991 there were again insufficient available judges for the number of cases to be tried. The present case would have had priority, but the defence had a problem. Defence counsel was involved in a part-heard case, and the accused would have had to find new counsel at very short notice. Ordinarily he would be expected to do so but, as all cases could not be reached, it was thought best in the interests of justice that this case be relisted. The trial was relisted for 27 February 1992. The court was ready for it to commence on 28 February [the day after] immediately on the conclusion of another trial. On the morning of the 28th, the prosecution indicated that the case would not proceed. In the meantime another case had been put off to ensure that this case [Cindy's case] could commence.

None of that appeared in the *Advertiser* report on the first day. It was clearly in the Chief Justice's statement, but *Pravda* censored it—chopped it out—and said it should not appear. *Pravda* censored it.

The Hon. R.I. Lucas: They don't print anymore.

The Hon. C.J. SUMNER: They do here. They operate on a daily basis in this State. Anyway, *Pravda* censored the most important part of the Chief Justice's statement. It was not interested in informing the public of the true facts. Why? Because the facts would have interfered with the story that they wanted to write. As I said, that is a common occurrence at the present time with our morning newspaper.

I will certainly investigate the matters that the Hon. Mr Griffin has raised relating to the police and the Crown prosecutors. I certainly assert that Government agencies should accord victims the rights to which they are entitled under the Government instructions.

There is no doubt, to answer the last question, that when the courts package comes into effect, there will be significant relief in the Supreme Court and the District Court over a period of time. The judges are looking at using a common listing procedure between the Supreme Court and the District Court which again should assist in the more effective disposition of business. It is probable—in fact, almost certain—that more cases will have to go down and be heard in the Magistrates Court under the courts package and that, obviously, from a resources viewpoint will have to be addressed when that occurs. But there is no doubt in my mind that the courts package, when implemented, will relieve the pressure to some extent on serious cases in the Supreme Court and in the District Court.

BUS SERVICES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing

the Minister of Transport a question about the 7 p.m. curfew for bus services.

Leave granted.

The Hon. DIANA LAIDLAW: The Government's decision to stop all STA bus, train and tram services after 10 p.m. on Sunday to Thursday evenings has been described by the Public Transport Community Coalition as savage, callous and an admission by the STA of its failure to run a proper public transport system. These views were echoed by 92 per cent of the 687 people who responded to a Liberal Party phone-in on public transport and were reinforced again today when several thousand people attended a public transport rally on the steps of Parliament House.

However, little attention has been drawn to the fact that the Government also plans to impose a new 7 p.m. curfew on 13 bus routes six evenings a week and to cut out all Sunday services on these same routes. The 13 routes under the hammer are: 112 to Grange; 124 to Auldana; 192 to Torrens Park; 224 to Elizabeth; 228 to Elizabeth Downs; 235 to Wingfield; 241 to Marion; 275 to Richmond; 286 to Henley Beach; 292 to Hillcrest and the hospital; 551 and 552 to St Agnes and Modbury; and 727 to Chandlers Hill.

I ask the Minister: is it correct that, for the users of these 13 bus routes, the effective curfew will not be 10 p.m. or even 7 p.m., but 6.30 p.m., as the proposed 7 p.m. curfew deadline applies to the time that the bus must be back at the depot? Also, will the Minister confirm that the Australian Tram and Motor Omnibus Employees Association, the union that represents STA bus operators, opposes the general 10 p.m. curfew and has threatened that 'all hell will break loose' if the Government persists will this ill-conceived, socially unjust proposal?

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

AUSTRALIAN CONSOLIDATED PRESS

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking you, Mr President, a question about magazines in the Parliamentary Library.

Leave granted.

The Hon. CAROLYN PICKLES: When I last checked the reading room of the Parliamentary Library, I noticed that three Australian Consolidated Press magazines were on the shelves, namely, the *Bulletin*, *Australian Business Monthly* and *Farms and Farm Machinery*. I am asking that these magazines be withdrawn—

The Hon. Diana Laidlaw: What is on the covers of those magazines?

The Hon. CAROLYN PICKLES: Well, they look pretty decent, actually. I am asking that these magazines be withdrawn as a protest to magazine publisher Australian Consolidated Press, for featuring a naked woman posing as a dog on the front cover of the 4 March edition of *People* magazine. That particular issue of *People* magazine was classified as a category 2 publication—a rating normally reserved for explicit sex magazines. That classification restricts its sale to adult only bookshops and prohibits its display, yet posters carrying this demeaning image of a woman were displayed outside a number of newsagencies throughout South Australia. By the time the classification by the Federal Office of Film and Literature Classifications was officially gazetted in Canberra, the magazine had already been on public display for nearly a week. Today I received some correspondence from an organisation calling itself Women Against Demeaning Images, and they too are calling for a public boycott of these magazines.

The Hon. Peter Dunn interjecting:

The Hon. CAROLYN PICKLES: These women are not the ones you are referring to, Mr Dunn. The sponsoring organisations are the International Women's Day Committee, the Status of Women Committee, the United Nations Association of Australia, the Women's Electoral Lobby and the YWCA of Adelaide—hardly radical organisations, as referred to by the Hon. Mr Dunn. I am disappointed that the publishers of *People* magazine, who also produce many quality magazines that are read and liked by many Australians, choose such a degrading way to portray women for one of their magazine covers. I am also disappointed that no apology to the women of Australia has been forthcoming from the Managing Director of Australian Consolidated Press, Mr Richard Walsh. Mr President, until such an apology is forthcoming, along with a guarantee that similar demeaning images of women will not be used in future, will you ask the Joint Parliamentary Service Committee to withdraw all magazines published by Australian Consolidated Press from the Parliament House Library and reading room?

The PRESIDENT: This question should be addressed by the Joint Parliamentary Service Committee, and I will make sure that the question goes to the Chairman of the committee for consideration at its next meeting.

FINE DEFAULTERS

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Correctional Services, a question about fine defaulters and prison overcrowding.

Leave granted.

The Hon. I. GILFILLAN: On 30 June last year the last report of the Correctional Services Advisory Council of South Australia was available and honourable members will know that that council is set up under the Act to advise the Minister and report on the general situation in prisons in South Australia. I will quote a couple of brief paragraphs from the report. Under the heading 'Observations on the State of Corrections', subheading 'Remandees', it states:

> South Australia has a continuing problem with the high number of accused people remanded into custody instead of being released on bail in the community to await further court proceedings. This is exacerbated by court delays which mean some remandees are in custody for many months and even years. In the year under review the percentage of remandees to sentenced prisoners increased from 20 per cent to 26 per cent and is considerably higher than the national average. As a result the rationale of the Adelaide Remand Centre appears to have been significantly diminished. Increased numbers on remand have defeated the purpose of closing Adelaide Gaol. Since the capacity of the Remand Centre is 159, many remandees have to be accommodated at Yatala Labour Prison. We see this problem warranting urgent attention.

Under a further subheading 'Accommodation', it further states:

> This year saw the opening of a new division at Yatala Labour Prison—F Division. This division can accommodate 95, however, the Advisory Council is concerned that there are limited work and education opportunities for these prisoners. This division holds prisoners on protection, on remand and so-called recalcitrants and the present regime keeps them locked up for long periods. Whilst this division may have eased the overcrowding problem, it is doubtful whether it can be called 'humane'.

That is a direct quote from the report of the Correctional Services Advisory Council to the Minister. It is reasonable to suggest that the prison system in South Australia is in crisis as prison numbers swell in an already overburdened prison system. Recent legislation now provides for fine defaulters to serve time in prison, which means that the

situation will only worsen. The dilemma was highlighted in the readings that I have just given to the Chamber. The Government's solution to the predicament was to use the recently opened F Division to house the overflow of remandees. I have indicated the advisory council's scathing attack on the standard and procedures within Yatala's new F Division. The report found that the physical conditions in South Australian prisons remain poor and the capacity inadequate. That overloaded state of the prison existed before we passed the latest legislation, which will burden the system with fine defaulters—and goodness knows what the extent of that will be.

As fine defaulters are usually non-violent, extremely low risk offenders, it would probably be more efficient and financially expedient if the Government had fine defaulters serve their time in a local motel, rather than placing them in overcrowded prisons, and it may be significantly cheaper. I ask the Minister, through the Attorney:

1. What are the projected numbers of fine defaulters expected in the next financial year?

2. What percentage of those fine defaulters is expected to serve time in prison?

3. What provisions has the Government made to accommodate fine defaulters in the prison system?

4. What is the anticipated time to be served by fine defaulters?

The Hon. C.J. SUMNER: Obviously, I will have to obtain that information from the Minister of Correctional Services, but the honourable member seems to be under a misapprehension that fine defaulters will automatically be gaoled under some proposal introduced by the Government. That is not correct. The situation is that anyone who wants to work off a fine with a community service order can and, in future, will be able to do so. No-one will have to go to gaol for non-payment of a fine. I make that quite clear: no-one in South Australia will have to go to gaol for non-payment of a fine but—

The Hon. I. Gilfillan: Was that not the case before? They could work it off before, anyway.

The Hon. C.J. SUMNER: Yes; they can work it off by community service orders. That has been the situation since the introduction of the Sentencing Act in 1988. No-one has had to go to gaol for fine default in South Australia since that time and no-one in the future will have to go to gaol for fine default.

The Hon. J.C. Irwin interjecting:

The Hon. C.J. SUMNER: The system of releases for fine defaulters has now been changed, which is what the Hon. Mr Gilfillan is referring to. The point I want to correct, which could have been obtained from the honourable member's question, is that fine defaulters are forced to do a term of imprisonment in this State. They are not. First, they have the option to pay the fine. Secondly, they have the option to do a community service order but, in the final analysis, if they refuse to pay the fine or they refuse to do a community service order, what is the honourable member's sanction for dealing with people who do not pay fines? They have to be imprisoned, otherwise there is no sanction. When the Correctional Services Department was releasing people who had not paid fines after a short time in gaol because of the overcrowding, the system was simply being abused.

The Hon. I. Gilfillan: I am not disputing that.

The Hon. C.J. SUMNER: People were not paying the fines, and that was totally unacceptable.

The Hon. K.T. Griffin: We all agree with that.

The Hon. C.J. SUMNER: The Hon. Mr Griffin agrees with me; it was unacceptable.

The Hon. I. Gilfillan: That's right.

The Hon. C.J. SUMNER: Well, I am not sure what point you are making.

The Hon. I. Gilfillan: There will be no fine defaulters in gaol for any extra time? That was the basis of the question.

The Hon. C.J. SUMNER: Those people who do not pay the fine and who refuse to do community service orders will have to be imprisoned, because there is no other way of enforcing that penalty of a fine. The Hon. Mr Gilfillan would have to agree with that.

The Hon. I. Gilfillan: I do.

The Hon. C.J. SUMNER: I want to make it quite clear to the Council, and this was not clear from the honourable member's question, that no-one in South Australia has to go to gaol for non-payment of a fine—they can opt for a community service order. However, people do opt to go to gaol instead of paying the fine or instead of doing the community service order, and that has to remain in place, otherwise we get people who just refuse to pay the fine and then walk away scot-free. The honourable member has raised some questions, seeking some statistical information about projections, and I will attempt to get that information, but I think the Council needed to know the information I have provided.

COUNCIL ELECTIONS

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about council elections.

Leave granted.

The Hon. J.C. IRWIN: It is relatively old news now, but I was delighted to read in the *Gazette* and local newspapers that the postponed periodic elections for the Woodville, Port Adelaide and Hindmarsh councils are to be held on 2 May this year. Has the Minister had any indication from the Local Government Advisory Commission about when it expects to make a recommendation on the amalgamation proposal and exactly what stage that proposal has reached? Does she expect this proposal to be finalised prior to 30 June this year?

The Hon. ANNE LEVY: I have had no indication from the commission on when it expects to complete its investigations in this matter. The procedures are following those adopted by the commission, of consultation and preparation of reports on the matter. I do understand that the commission feels that it is approaching the point when it can itself call public meetings for general community consultation on its part. However, I have no information as to precise dates or when the commission expects to complete its investigation.

The Hon. J.C. IRWIN: As a supplementary question, does the Minister think she was misled by the Advisory Commission last year when she took its advice and postponed council elections for one year, necessitating the recalling of elections this year?

The Hon. ANNE LEVY: No, not at all. The councils made application, which was endorsed by the commission, that the election should be postponed. Obviously, at that stage it was hoped that matters could be finalised in less than the 12 months for which elections can be postponed. However, obviously, the preparation of reports, the examination of material and the community consultation required has taken longer than was originally envisaged.

RURAL ADJUSTMENT

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Agriculture a question on rural adjustment.

Leave granted.

The Hon. R.R. ROBERTS: On 20 November last year I asked a question through the Minister in this place in respect of this matter following a letter from rural counsellors. Mr George Gill from Wudinna had written to me expressing concern over the changed criteria for rural adjustment loans. They were concerned that there had been a reduction from $10 000 to $2 000 for the family car and from $5 000 to $2 000 for tools of trade. Since that time, I understand that the Minister of Agriculture has reviewed that situation and, when I attended the Rural Counsellors Conference in February this year, the matter was again discussed with me. People were aware at that time that there had been some reassessment and readjustment, but they were not sure of the figures. They were also concerned as to what the operating dates would be and, if in the event that a realistic figure was struck, what the future of these levels would be in the coming years. Will the Minister supply me with the readjusted figures for rural adjustments for family cars and tools of trade? Will she also provide the operating dates of any changed arrangements?

The Hon. BARBARA WIESE: Following the honourable member's question asked in this place in November, the Minister of Agriculture initiated a review of the allowances to which he has referred. As a result of that review he has now authorised the Rural Finance and Development Division to increase the limit of motor vehicle value to $6 500 on the basis that all future re-establishment grant applications are accompanied by a letter of valuation signed by a local licensed motor vehicle dealer. Further, he has authorised a limit of $3 000 to be set for tools of trade. He has also instructed that the figures should be increased annually by the Adelaide CPI figure. Furthermore, he has instructed that the revised and approved allowances should be backdated to 1 December 1991.

I understand that these matters have been discussed with representatives of rural industry bodies and that these changes have been very well received. I am sure that members of those organisations and people in rural areas generally would be very much aware that these changes have taken place in no small part due to the efforts of the Hon. Mr Ron Roberts.

MOTOR VEHICLES ACT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about the Motor Vehicles Act.

Leave granted.

The Hon. J.F. STEFANI: Section 124 ab (1) of the Motor Vehicles Act 1959 contains certain recovery provisions against motorists who have been found to be more than 25 per cent at fault and who are involved in vehicle accidents causing bodily injuries to a third party. The Act provides that the insurer can recover a maximum of $200 for expenses and costs arising out of liabilities for bodily injuries incurred by a third party involved in a vehicle accident. In South Australia the SGIC is the sole third party insurer. My questions are:

1. As many motorists would not be aware of their liabilities, what steps have been taken by the Minister to ensure that all motorists are advised of this obligation when renewing motor vehicle registration?

2. How many motorists have been required to pay the $200 excess required by the SGIC during the financial year ended 30 June 1991?

3. How many motorists have been required to pay the $200 excess by SGIC from 1 July 1991 to 28 February 1992?

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

ARTS EQUALS CAMPAIGN

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about the arts equals campaign.

Leave granted.

The Hon. T.G. ROBERTS: It is appropriate to ask this question during the festival. This campaign, which is being run by the Arts Industry Council of South Australia, is supported by many people across the board. It is supported by Actors Equity and many other groups and organisations in developing arts/tourism and arts/development for employment. The campaign appears to me to be very successful in promoting arts in developing job opportunities.

I had the benefit of having visitors from New South Wales for the festival, and I am sure that a lot of people attending the Fringe activities are friends and relatives of members on both sides of this Chamber and are staying with them or filling the hotels and motels of Adelaide while burning the candle at both ends trying to keep up with the arts programs being run at the moment. I would have thought that the Arts Council campaign and its promotional material would be hitting the spot. Has the Minister been able to make an assessment of the campaign as it has been run so far, and what is her impression?

The Hon. ANNE LEVY: Yes, I certainly feel that the arts equals campaign is a very constructive and positive exercise in its aim of convincing the public of the importance of the arts to our community. For those who have not encountered it at any of the many festival venues where material is being distributed, the campaign includes stickers with the slogans 'Arts Equals Jobs', 'Arts Equals Tourism', 'Arts Equals Growth', 'Arts Equals Fun' and 'Arts Equals Ideas'. The stickers are accompanied by a facts sheet—with the source of each of the facts—which states that over 200 000 people are employed in the arts and cultural industry nationally, with a total estimated value of goods and services of $20.9 billion. That is based on 1986-87 data. On more recent data—of 1989-90—it is stated that in South Australia 2.5 million people attended concerts, recitals and operas, and visited galleries, museums, exhibitions and watched performances of dance and theatre. In addition, there were 30 million visits to libraries in this State.

Nationally, the cultural industry employs more people than the combined food, beverage and tobacco industries and more than twice the number of people in the mining industry. The economic value of the arts industry is greater than that of the insurance industry, the household appliance industry or the beer and alcohol industry. A 1988 survey revealed that 29 per cent of overseas visitors visited a gallery or art museum during their stay in Australia and 18 per cent went to live theatre or music performance.

These facts certainly support the slogan 'arts equals', which is being promoted by the Arts Industry Council. Of course, arts equals all of these things and, indeed, more than the areas chosen by the council. Obviously, arts also equals

education, leisure and innovation, to name just a few. Certainly, at this time, more than ever before, it is impossible to deny that South Australia is the 'State of the Arts'. The festival, which I am sure most people would agree is a wonderful event, and the cheeky fringe, which accompanies it, are very much part of the life of the city at the moment. Any signs of fatigue that are being shown by numerous people whom one meets have doubtless been very pleasurably self-inflicted as a result of the activities of the festival.

I endorse very strongly the aim of the arts equals campaign of convincing the public of the importance of the arts to our community. I should also like to point out that this Government has a record in the arts of which it is extremely proud, and it is not just the festival and the fringe that we can point to, by any means. Recently we completed the Lion Arts Centre, which will not just provide a home for the Festival Fringe at the moment but which will be part of the permanent infrastructure of this very important industry.

We have achieved an incredible network of 135 public libraries around the State and have just signed an agreement with the Local Government Association guaranteeing the funding for these libraries for the next three years. We have recently provided a $60 000 grant to the rock industry to help local bands to make demonstration tapes, to help us regain our reputation in this area. Apart from all this, we maintain an extensive grants program for theatre, opera, youth arts, dance, literature, multicultural arts, community arts, Aboriginal arts and a whole variety of cultural activities throughout the State.

As is well known, we spend more *per capita* on the arts than does any other State. Currently the figure is $39.62 for every South Australian, which is over $8 more than is spent by the next best State. The Arts Industry Council, which has launched this campaign, has applauded the new initiatives the Government has taken during the past two years. Unfortunately, it is hardly news that the whole of Australia and, indeed, the world, is facing a recession. I have long maintained that the arts must not be singled out for cuts, although they will have to bear their share of the burden.

My aim is to ensure that any cuts to the arts will be achieved as far as possible in administration and not in arts programs. I have stated this previously, but this is highlighted by the review I have tabled in this place today on regional arts development in South Australia where considerable savings have been achieved, at the same time providing more funds for local arts programs and more local decision-making, and the necessary cuts have been achieved through administration and reduction in the bureaucracy.

This is very much my aim in dealing with arts funding in this State. I can assure this Council that it is very much our intention as a Government to ensure that South Australia retain its well-deserved reputation as the State of the arts.

STATUTES AMENDMENT (SENTENCING) BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 3113.)

The Hon. DIANA LAIDLAW: My colleague the Hon. Mr Griffin has spoken on this matter at some length, but I wish to address only two matters. The first is the new provision that allows courts in the adult and juvenile jurisdictions to disqualify a person from holding or obtaining a driver's licence in the case of fine defaults arising from an offence involving the use of a motor vehicle. This is a very important matter which, in part, relates to the matters raised by the Hon. Ian Gilfillan today in questions to the Attorney-General.

It is widely considered that many people who offend and who are fined for doing so are more likely to pay that fine if the legislation provides that non-payment of the fine may lead to a loss of licence rather than to a term of imprisonment. It is of interest that today imprisonment is not seen to the same degree in terms of loss of liberty as is the loss of a driver's licence. I suspect that that is because of the overcrowding in our gaols and the fact that people are let out quickly, so perhaps they do not fear the law in general today while having a greater fear of losing their liberty and independence by losing their licence than losing their liberty by going to gaol.

It is quite an extraordinary statement in relation to society today but, nevertheless, that is the judgment of sociologists and those involved in motor vehicle accident research, as well as being the opinion of various legal minds in this State. The system of loss of licence when one has not paid a fine has been the practice in New South Wales and Victoria for some years now. Although I do not have the facts in respect of Victoria, I have had discussions about the matter in respect of New South Wales. There they have succeeded in greatly reducing the cost to the community by obtaining fines from people initially reluctant to pay those fines as well as reducing the cost of incarcerating fine defaulters.

I will have those figures by the time this Bill reaches the Committee stage. It will be important that those figures be acknowledged in this place, because the benefits in terms of reduced costs of imprisonment and increased revenue through the payment of these fines are statistics we should like to see reflected in South Australia.

The Bill provides that a driver will be disqualified in default of paying a fine and that the disqualification will take effect seven days after notice is given, unless the sum in default is paid before that time. The Hon. Mr Griffin also raised this matter. I am concerned about the seven days. I am not sure what applies in Victoria and New South Wales. I appreciate that the seven days comes after one month of a fine not having been paid. However, I know of many instances of people having difficulty in paying bills, but, whether it be ETSA or the E&WS, their service is not cut off for some time because they have not paid within seven days of the end of the one month period. I am very concerned that this will take effect without any discretion being allowed within that seven-day period.

We live in very difficult financial times. I recognise that a person would not have incurred the fine if they had not offended in the first place, but one can easily offend today in respect of traffic matters. I speak with some knowledge of this, having been picked up recently for going over the speed limit in a zone where I felt it was reasonable to expect it to be 80 km/h, but in fact it was 60 km/h. I was able to pay my fine quite easily the next day, but not a lot of people would be able to do that.

The Hon. K.T. Griffin interjecting:

The Hon. DIANA LAIDLAW: The Hon. Mr Griffin suggests that I should have made them wait. I do not like owing anybody money, let alone the Government. I am concerned that not many people would be able to pay such fines immediately. The seven days notice period is a matter that we shall address in Committee. I think it is an important consideration.

The Bill also provides that the court may, on the application of the person in default, revoke the disqualification if the court is satisfied that the sum in default, although not paid in full, has been substantially reduced and that continued disqualification would result in undue hardship to that person. I want to spend a little time considering the term 'undue hardship'. The Law Society has raised with me the loss of licences for people where undue hardship has been caused through loss of jobs in the transport business or their inability to get to jobs because they do not have anyone to drive them to work or they do not have easy access to public transport—and we all know that the Government is continually cutting back public transport services. I am interested, therefore, that the Government has introduced the issue of undue hardship so that a court may determine whether disqualification should be suspended.

I have asked questions of the Attorney-General on so-called hardship licences in the past, the last occasion being 16 October. At that time the Attorney-General said that the Minister of Transport would be addressing this issue, as the Road Traffic Act was the responsibility of that Minister, and that the Attorney-General would be considering the submission from the Law Society in due course.

I wrote to the Attorney-General about this matter on 17 December, and he replied on 6 January indicating that views from a variety of sources were still being sought and would be considered as part of the consultation process. I should be keen to learn from the Attorney-General, now that he has seen fit to include undue hardship in this Bill, what progress he and the Minister of Transport are making on the issue of introducing a hardship licence provision within the Road Traffic Act for general circumstances where people are disqualified from driving.

Lastly, I raise the issue of community service orders which is addressed in the Bill. I have been contacted by a number of people in country towns. I do not feel disposed to name the people or the towns, but they are 250 kilometres north of Adelaide. They report to me that a number of people in those towns know that they can easily offend against the law today, that they need not pay fines and that they are unlikely to be imprisoned. Also, if they are subject to a community service order, it is unlikely that they will be required to fulfil the terms of that order because the sum of money involved, the equipment or the supervisor will not be available.

I have been advised how ineffective community service orders can be if they are required to be performed in the town where the person lives. I was given the latest example a week ago when visiting a mid north town. The supervisor, a respected person in that town, was having enormous difficulty trying to get this bully to carry out his community service order work as required by the court. The bully was the subject of continual taunting and derision by his mates in that same town. The guy would not work. Everybody was making it difficult for the supervisor, who felt that he could easily be back at his paid job doing much more profitable things both in time and service to his community.

I feel that the Attorney-General, having made a statement earlier today on community service orders, should look at the situation not only within the metropolitan area—I think most of the examples referred to the metropolitan area—but also in country towns and how we can effectively implement community service orders, because they are an important innovation in law and order and justice in this State. I also note, in suggesting that community service orders in country towns may well have to be performed outside those country towns, that transport expenses for some of these young people would be involved and that those extra expenses would have to be considered in terms of the cost of implementing these orders.

Those are the general comments that I wish to make at this stage. I understand that the Committee stage will not necessarily take place today because the Liberal Party is awaiting responses to matters raised by the shadow Attorney-General. When the Bill is in Committee, I shall have the information from New South Wales. I am keen for the success of the scheme in New South Wales to be recorded and reflected in South Australia when the Bill comes into effect.

The Hon. C.J. SUMNER (Attorney-General): First, I would like to thank the Opposition for its support of this Bill. As already stated, the Bill seeks to make amendments to various sections of the Criminal Law (Sentencing) Act, which have been identified as requiring clarification by bodies which deal with the Act on a daily basis. In indicating their support generally, Opposition members have also highlighted a few areas of concern.

The main area relates to the new provisions which allow a court the discretion, in the case of a fine defaulter, to disqualify a person from holding or obtaining a driver's licence until the fine has been paid. At present, the Bill provides that disqualification takes effect seven days after notice is given by the Registrar of Motor Vehicles to the person in default, unless the sum is paid before that time.The Hon. Mr Griffin has indicated that the period of seven days is too short, and that a period of 28 days would be more appropriate. The Government does not believe that a period of seven days is inappropriate in the circumstances. It must be taken into consideration that the person has failed to make payment within the time frame ordered originally by the court and has also been in default for a further month before the matter is returned to court. In this time, the person has had adequate opportunity to make arrangements for payment of the fine or application for community service in cases of hardship.

Further, pursuant to section 13 of the Act, the court must not impose a fine if it believes that the defendant could not meet the payments or dependants would suffer prejudice. Persons in default may also make application under section 65 to postpone or suspend the issue of a warrant or, if the payment would cause severe hardship, apply to work off the sum in community service. The system of disqualification of drivers' licences has met with considerable success in New South Wales and Victoria. So that South Australia can experience the same increase in payments of outstanding fines we must ensure that fine defaulters receive a clear message that fines cannot be avoided or deferred, and one way to do this is through the tough amendments which are now before us.

The Hon. Mr Griffin also raised concerns in relation to clause 13, which provides for the Minister to cancel unperformed hours of community service if the person has substantially complied with the requirement. The honourable member is concerned that this matter would be more appropriately dealt with by the court. The Minister was granted the power in this instance for the sake of consistency. The Minister currently has powers in relation to default in performance of community service and may increase the number of hours that the person is required to perform. The court must also furnish the Minister with a copy of the court order where the conditions of a bond are varied, extended or discharged.

The Hon. Mr Griffin also raised concerns in relation to clause 30 of the Bill, which provides that, subject to rules of court or regulations, a person may apply to the court for

a review of a decision or order made by an appropriate officer. The honourable member has stated that he does not believe that the right of review should be abrogated by rules of court or regulations. Section 72 of the current Act states that, subject to any express provision to the contrary, no right of appeal lies against a decision, order or direction of an appropriate officer. The Act currently provides only for a right of appeal against a decision of an appropriate officer in two areas: first, the decision of an appropriate officer that a fine would not cause severe hardship such as to allow the amount to be worked off by community service is reviewable by a court; secondly, a right of appeal is expressly granted pursuant to section 61 against a decision of an appropriate officer that a sentence be served cumulatively on some other term. Aside from this, all other functions of an appropriate officer, for example, to vary, postpone or issue a warrant, are not appellable.

The current amendment has been made to achieve the maximum flexibility in the system. It was considered that to grant a right of review for every decision may be onerous, especially where trivial decisions were taken to extend a time to pay or adjust payment by instalments. Clearly, this would impose a further burden on the courts in an area where an executive decision could be simply taken. The amendment allows the Government to reduce by regulation the trivial types of complaint reaching the court. Indeed, the current amendment allows the system to be more relaxed than the current regime, which allows for review in only two narrow circumstances. In the light of this, the Government believes that an amendment to this clause is not warranted or necessary.

The Hon. Ms Laidlaw has just raised the question of hardship licences generally. Although there is a hardship provision in this Bill, it is related only to circumstances where a driver's licence will be suspended for default of payment of a fine and provides that the court may, on application by the person in default, revoke the disqualification if the court is satisfied that the sum in default, although not paid in full, has been substantially reduced and that continued disqualification could result in undue hardship to that person.

Therefore, we are not in any way reinstating the notion of hardship licences. We are saying that the disqualification imposed for the non-payment of a fine can be lifted if there is undue hardship and, also, if substantial payment has been made. I do not believe that the two areas are in any way related. The Hon. Ms Laidlaw asked what has happened to the proposal that came from the Law Society and some others on the general question of allowing the courts to make orders which would enable individuals to keep their licences for particular reasons, the most obvious being for use at work, although there may be other compassionate circumstances. The Government is still examining this issue. It was raised in the context of country residents who are convicted of drink driving offences for which mandatory licence disqualification applies. It was argued that such individuals would not have the range of alternative transport options which are available to urban dwellers. As I said, that matter is still being examined by the Government, but I think it must be said that the notion of proposing hardship licences in drink driving cases could well diminish the deterrent effect of the current penalties.

When the sentencing Act was passed in 1988, it was provided that there ought not be means to reduce the impact of licence suspension or to reduce any minimum penalties that were handed down unless Parliament decided specifically in the legislation relating to those issues that that should occur. But, to date, Parliament has not done that and, as I said, that matter has still to go to Government for decision. My concern is that, to enable the provision of hardship licences by the courts, particularly in drink driving cases, would send the wrong signals to people.

We have had some success in this State recently in reducing quite significantly the road toll and the number of accidents, and I think that sending a signal like this to the community could well reverse that trend. I think the reasons for it are tough drink driving laws and probably also the impact of speed cameras. But, whatever the reason, there has been a reduction in the road toll and in injuries sustained in road accidents, and we know without doubt that drink driving contributes significantly to the road toll and to road accidents.

I think the Parliament must consider whether, in relaxing the law on licence suspension, it would in fact remove one of the most effective deterrent aspects of the current law, namely, the loss of a licence. It is all very well to say that truck drivers or people who use their licence for their work are unduly impacted upon by the loss of a licence. On the other hand, if, in their profession, those people drive while they are under the influence, they constitute a significant hazard to other road users, and it could be argued that they should be treated severely if they are caught driving under the influence of alcohol or in excess of the prescribed amount of alcohol.

Those issues are not yet finally resolved by Government: we are considering them. I merely respond to the honourable member by pointing out some issues of deterrence which need to be examined by the Parliament if we are to look at removing the mandatory licence suspension. I expect the matter to be resolved shortly and a decision made by Government. Any other matters I will deal with in Committee.

Bill read a second time.

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2922.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their detailed and thoughtful contributions to the second reading of this complex Bill. I will address their concerns in order. The Hon. Mr Griffin raised very strong concerns about the area of law now dealt with by a haphazard and ill-defined collection of offences including compounding, misprision and accessory after the fact. In particular, he argued that he did not believe that the offences of compounding and misprision should be abolished.

As a general proposition, I cannot agree with that position. As the Hon. Mr Griffin himself acknowledged, the Mitchell Committee recommended their abolition, and discussed the legislation in the United Kingdom which abolished both compounding and misprision as long ago as 1967. The offences were abolished and replaced in Victoria in 1981. It is clear that the general policy of the offence, that serious crimes should be discovered to the authorities and should not be regarded as private matters is an important one. But it is also quite clear that the common law of misprision, dating as it does from the seventeenth century, goes much further than that. Courts and commentators have commonly recognised that the scope of the offence is vague and uncertain, but a number have also added that it is unreasonably wide. The Bill seeks to replace these offences with an offence based on accessory after the fact, in accord-

ance with the recommendations of the Mitchell Committee, because of a number of defects in the law.

For example, the authoritative text writers Smith and Hogan described the offence of misprision as excessively wide, and noted that respectable persons and institutions such as schools, universities, banks, trade unions and employers regularly fail to report offences for reasons which seem to them and would be generally regarded as good reasons. Until 1983, it was thought that this offence had fallen into disuse. But it was revived in a case called *Lovegrove* (1983) 33 SASR 332, in which misprision was charged against two of those accused in relation to the murder of Kerry Ann Friday. It is of considerable importance to note, in the context of this debate about the desirable scope of the criminal law, that the trial judge felt compelled to direct the jury in terms that he admitted were, on the law, too favourable to the accused. Cox J. referred in his reasons to the problem of 'finding an acceptable principle that excludes the trivial cases and accommodates genuine conflicts of interest or what would be generally regarded as legitimate cases of conscience'. If the offences are to be retained, they must be reformed in any event.

The criminal law should aim at as much certainty and public access as possible. This area of law is now complex and confusingly covered by accessory after the fact, misprision and compounding. The criminal law should be set out in the statute, so that all who need to know it can find and read it. That statute should reflect the proper dictates of the public policy that I have outlined above. I believe that clause 6 of the Bill (section 240 of the Act) does that, through the medium of accessory after the fact, in an offence called impeding the investigation of offences and assisting in offenders. I emphasise that the Bill abolishes the old offences, but in so doing does not make legal much of the conduct that was previously covered by the misprision and compounding offences. It prescribes it in another way in accordance with modern principles and practice.

The criticism that the Hon. Mr Griffin made of the proposed offence is one which does go to the substance of public policy in this area. He takes the absolute view of what the policy should be. It does not matter, he says, whether the offence be minor or major—the criminal law and Governments should not be tolerating or even condoning that sort of behaviour. He takes the view that any act designed to resolve the issue of an offence by some form of alternative dispute resolution ought not to be approved.

I draw to the attention of members the fact that one of the main difficulties with the common law is that the courts have been trying to temper the absolute rigour of the old offence because the obligation to disclosure absolutely does not, in the words of one judge, now command universal acceptance. I do not take an absolute view of these matters. Let it be quite clear what the consequences of such an absolute view are. In the leading decision of *Sykes* [1962] AC 528 at 564, Lord Denning also took the more flexible approach. He said:

> I am not dismayed by the suggestion that the offence of misprision is impossibly wide: for I think that it is subject to just limitations. Non-disclosure may sometimes be justified or excused on the ground of privilege. For instance, if a lawyer is told by his client that he has committed a felony, it would be no misprision in the lawyer not to report it to the police... There are other relationships which may give rise to a claim in good faith that it is in the public interest not to disclose it. For instance, if an employer discovers that his servant has been stealing from the till, he might well be justified in giving him another chance rather than reporting him to the police.'

Unfortunately, Lord Denning was in the minority in dealing with what he regarded as 'just limitations'. The English Criminal Law Revision Committee similarly thought that this sort of offence should not apply to a person who fails to disclose information because of reparation by the offender in the appropriate case.

So let us be clear just what this proposed offence does. It merely provides, unlike the common law, for a defence of lawful authority or reasonable excuse. It provides, in short, for what Lord Denning regarded as 'just limitations'. Otherwise the law would contain a very serious offence, which requires a citizen to inform on another, without any recognition of the variety of circumstances that can arise. The law of compounding and misprision was made so absolute in an age before there were many criminal offences and before the modern regulatory State made necessary the creation of a host of criminal offences surrounding our everyday life. Criminal offences such as road traffic offences, occupational health and safety offences, and the like would all carry automatically an absolute obligation to report to the police. I think a general 'just limitation' is fair and reasonable.

Do we really want it to be a serious criminal offence for the householder not to report the neighbour's son caught stealing apples from his or her tree? Do we really want it to be a serious criminal offence for a person not to report to police any minor punch on the nose for which the victim has received full restitution and apology? Misprision has the effect of making criminals out of victims. Current and forward thinking criminology and police science is about de-emphasising State intervention in petty crime and emphasising the role of the victim as a principal beneficiary of criminal laws. That is the thinking behind, for example, victim impact statements, the recognition and reinforcement of responsible police discretion, and restitution as integral parts of the criminal process.

This Bill in fact takes a very conservative approach to such questions. By comparison, section 326 (2) of the Victorian Crimes Act 1958 provides that it is a defence to their equivalent offence:

> ... if the only benefit accepted in return for failing to disclose the commission of the offence is the making good of any loss or injury caused by its commission or the making of reasonable compensation for any such loss or injury.

The model legislation proposed by the Commonwealth Gibbs committee in its proposed compounding offence contains a defence in exactly the same terms. I think that the position taken in this Bill is in fact a moderate and enlightened one.

The Hon. Mr Griffin also raised the matter of prohibiting the attempt to elicit information from jurors for publication by the creation of a new offence. I think that we agree that the harassing and probing of jurors about what went on in the jury room is undesirable. I agree with the honourable member that if it became common practice in this State it would be intolerable for jurors and would threaten the jury system. The honourable member raised this matter when the Juries Act Amendment Bill was before the House in 1984. It is true that, since then, Victoria and New South Wales have legislated in this area. But it is also true that the Australian Law Reform Commission's 1987 Report on Contempt was critical of this legislation, and proposed a different legislative model.

In general terms, the problem in this area is to prohibit the sort of thing that we all agree is reprehensible, while fixing an appropriate balance with public policy on the freedom of the press and the freedom of the individual. Is it to be a criminal offence for a person to tell his or her spouse or children what happened in the jury room? What about *bona fide* research on how juries reach their verdicts? Is it to be an offence for a juror to volunteer information to a newspaper or other media outlet? What about the case where a juror is to be prosecuted for a criminal offence

relating to misconduct in the jury room? Is the court to be prohibited from hearing evidence about that?

There may be room for disagreement about this, but I think that there are occasions when appropriate inquiries of jurors may be proper. One such example is the case of the overturning of the conviction of Edward Splatt. In that case, getting information from jurors may have helped to uncover a miscarriage of justice. On the other hand, we would all agree that harassing and besetting jurors is highly undesirable.

I took the view in 1984 that the law of contempt covers the case and is sufficiently flexible to accommodate these questions, which otherwise pose very difficult questions of drafting, in an area of important individual and media liberties. I maintain that view. I would be very reluctant to deal with such a controversial and difficult matter as this without full consultation in the community and with interest groups such as the media and the Council for Civil Liberties.

In relation to the offences dealing with public corruption, the Hon. Mr Griffin expressed a number of concerns in the course of his analysis of what the Bill is trying to do. Perhaps the most important of these deals with the provision which tries to describe the standard of behaviour that is appropriate to these offences. The Hon. Mr Griffin expressed a preference for the term 'corruptly' over 'improperly' and a concern that the test in the Bill was too vague. In particular, he was concerned that the Bill may make criminal behaviour which might not be exactly proper but which nevertheless ought not to be criminal.

The Hon. Mr Burdett asked why the concept of 'impropriety' was introduced; what was wrong with 'corruptly' and why was that thought to be inadequate. These concerns are substantial and reveal that this is a very difficult and complex area of law to which there are no perfect answers. First, I would like to deal with the option of using the word 'corruptly' instead of 'improperly'.

The criterion of responsibility in a statute like this means what the statute says it means. If we were to substitute 'corruptly' for 'improperly' in the statute, without changing the definition in section 238, there would be no change in substance, unless the courts took the view that the word 'corruptly' brought with it its common law meaning as well as the definition. For reasons which I will give in a moment, it is for that reason that a different word was used to describe liability—to preclude the possibility of bringing along a previous meaning which might well have unintended and wrong consequences.

I should, however, point out at once that the use of the word 'improperly' to describe this sort of conduct as criminal is not new to this Bill. The offences in the new companies legislation dealing with the conduct of directors are closely analogous to what is being proposed in this Bill, and, significantly, employ the concept of 'improperly'.

The problem with 'corruptly' is that it is even more vague and uncertain in meaning than the definition or standard that is set out in the Bill. Recent English authority says that the judge should simply tell the jury that 'corruptly' is a simple English adverb that is not defined except that it does not mean dishonesty. That hardly tells people to whom this legislation will apply how to conduct themselves in their official capacities. And there is even dispute about whether it does mean dishonesty. The New South Wales Court of Appeal recently identified no less than four meanings for 'corruptly' at common law. They are: (i) open to bribery; (ii) dishonest; (iii) lacking in integrity; and (iv) 'has a condition of corruptness which would make ordinary decent members of the community think less of or tend to shun that person'. The fourth meaning is very like the one given to 'improperly' in this Bill.

Furthermore, if 'corruptly' does mean dishonesty, then the test for dishonesty, which is currently employed by the courts as the test for conspiracy to defraud, is the question whether the behaviour of the accused was such that it would have been regarded as dishonest by ordinary members of the community. This again has obvious parallels with the test proposed in the Bill. Indeed section 238 (3) *(b)* in the Bill is inserted by analogy with a limitation on that test of dishonesty suggested by McGarvie J. of the Victorian Supreme Court.

The point to be made here is that to replace 'improperly' and its definition with 'corruptly' will lead to more uncertainty not less. I suggest that it would be an unacceptable degree of uncertainty and vagueness. These things are matters of degree, it is true, but even the definition of 'corruptly' in the New South Wales Independent Commission Against Corruption Act 1988, which definition covers three pages, relies in the end on words like 'adversely affects', 'breach of public trust', and 'misuse'. Furthermore, I suggest that, when one comes to trying to define the notion of 'corruptly', what one finds is either a giving up and a failure to define, or tests very similar to the ones put forward in this Bill.

The fact is that this area of law has to be flexible to a degree to cope with the wide varieties of situations with which it deals; situations which, by their very nature, are of ambiguous acceptability and propriety, and the acceptability of which will vary from time to time as the standards of public propriety that the community expects of its public officials change. They do change, and the law must be capable of accommodating that. On the other hand, the law must try to set the limits as clearly as it can, because in this area of criminal law, people will gauge their conduct according to what the law demands. And the law must try to see at least that those who must decide on the role of the public interest in such matters at least ask the right questions.

The test proposed here tries to be responsive to that need to balance flexibility with plain meaning. It is a variation on the test adopted to test another such area—the area of the standards of honesty in private dealings. That is not to say that the test proposed is perfect; it is to say that to replace it with the undefined 'corruptly' would not improve the Bill.

In the end, the concern of the honourable member that the offences created by the Bill may make criminal that which ought not to be a criminal offence but merely inappropriate is a real one and I acknowledge it. On the view I take of the matter, however, it must be recognised that the current state of the criminal law in this area does not even begin to address the sorts of cases and scenarios to which the honourable member referred. I think that these concerns must be addressed by trying to improve, if it can be done, the key notion of 'impropriety', rather than tossing it out altogether in favour of the concept of 'corruption', which carries the issues and the debate no further. These issues are important and go to the heart of the new corruption offences. There is room for differences of opinion which I would be happy to explore during the Committee stage. I have placed an amendment on file to provide another option for consideration.

I turn now to concerns that have been raised about the specifics of this part of the Bill. The Hon. Mr Griffin raised the question whether, in proposed section 247, the phrase 'causing any injury' is adequate. The point made is that a threat to cause loss might not be a threat to cause injury; that the latter expression might be too strict a test, requiring

too much of an immediate harm. My response is that this is a serious offence and I am minded to be cautious about extending its scope too far. It is important to contrast the offence contained in section 247 with that proposed in relation to the judicial process in section 245. The view taken in the Bill is that the judicial process is much more sensitive and requiring protection than the less refined occurrences of day-to-day life.

It is for this reason that the offence in section 247 is intended to be restricted to physical injury to person or damage to property. To extend it to loss would extend its range in a manner which would bring within the scope of the criminal law things which ought not to be so dealt with. So, for example, consider the example given by the Hon. Mr Griffin of the member of Parliament who sought the dismissal or transfer of a public servant because that public servant was thought to have dealt badly with a constituent. If 'loss' was included, the MP may be at risk from section 247. The Hon. Mr Griffin thinks that that would go too far. So do I. Or, take as an example a constituent who goes to a member of Parliament and says that unless the MP does not do this or that, the constitutent will see that the MP loses preselection or will be voted out at the next election. That would be a threat of a detriment or loss, but we would all agree, I would hope, that it would not be sensible to make such behaviour a criminal offence. But threats to do physical harm to persons or property are quite another matter. These two examples show why the offence is limited in the way in which it is, and should remain so.

The Hon. Mr Griffin also raised the question of whistleblower protection. It is true that I have announced the intention of the Government to look into this area, and that there are obvious overlaps with the sorts of general issues involved here, but that is an area which goes beyond the scope of this Bill. There are difficult and complex matters of public policy to be raised and debated about whistleblower protection and I intend that they be dealt with separately. I expect legislation to be available for the budget session.

The Hon. Mr Burdett was concerned that the Bill states that the question whether conduct is improper is to be decided by a judge and that there should be no evidence on the question. The reasoning involved in this aspect of the Bill is as follows: a given question in a trial for a serious criminal offence must be decided either by the judge or by the jury. In general terms, the judge decides questions of law, and the jury decides questions of fact. I take the view that the standards of behaviour expected of public officers in their official capacity is a question of law and should be decided by a judge. It is up to the jury then to decide whether the accused person has lived up to that standard.

This scheme of things has two main advantages. The first is that, over time, a body of law will be built up which can be far more specific than any legislation can ever hope to be. The strength of the judicial method is that decided cases take statements of general legislative standards and provide very specific case by case illustrations. With the jury all you have for future guidance is the general verdict, with no reasoning to inform. The second advantage is that, except in exceptional cases, the parties cannot lead evidence on questions of law. So, in this case, I suggest that it would not be conducive to the good administration of justice for there to be evidence led at a trial, for example, on sociological surveys of what the public believes the standards of public behaviour are or ought to be. That explains why the statute makes that matter plain.

I now turn to the question of criminal defamation. The current law in South Australia is contained in sections 246 to 252 of the Criminal Law Consolidation Act, which is in turn an enactment of the English Libel Act of 1843. The Bill seeks to replace these provisions with an offence which is much more limited in its scope. I do not understand the Hon. Mr Griffin to be suggesting that the offence should be repealed without replacement.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Griffin interjects, saying that that is correct. For the further information of members, I would like to point out that the offence in the Bill is based on the recommendations of the Australian Law Reform Commission, which in turn provided the basis of agreement between the Attorneys-General of Queensland, New South Wales and Victoria, and which is now in legislation introduced in those States. Criminal defamation, by agreement of the Standing Committee, has been retained in the uniform defamation legislation which has been introduced in the Parliaments of those three States and which is currently going through the legislative process. It is for that reason that the provisions relating to criminal defamation were included in this Bill, not as new offences but as codified offences and, in fact, codified in a manner that is more restrictive than the common law offences.

Exception has been taken, however, to providing that prosecution can be taken only with the consent of the Attorney-General. This proviso was intended to be an additional safeguard for individual liberty and freedom of the individual and the press in relation to a controversial criminal offence. In Victoria and Queensland, the consent safeguard lies with the Director of Public Prosecutions. This is in the Bills that have been introduced in those Parliaments. In New South Wales, it remains the Attorney-General who, as a matter of practice, acts on the advice of the Director of Public Prosecutions.

The Attorney-General already has a specific role in authorising prosecutions in relation to criminal offences which impact on freedom of speech, namely, the obscenity and indecency offences contained in section 33 of the Summary Offences Act. I will not reiterate what I have said previously in this place about the unique constitutional functions of the Attorney-General. Suffice to say that the specific authorisation of the Attorney-General was required so that criminal defamation proceedings could not be taken just by the police or by a private citizen. Whether consent should lie with the Attorney-General or with the DPP is open.

However, the point I make and emphasise is that it was put there as an additional protection, not as something that would make criminal defamation proceedings more likely. The Attorney-General and the DPP have to look at the issue before prosecutions can be taken; prosecution cannot be taken just at the instigation of the police, nor can a complaint be made by a private citizen in this area.

The Hon. Mr Griffin raised two questions about proposed section 255 dealing with common law conspiracy and industrial disputes. The first was that old section 260 allowed prosecution in relation to agreements to commit offences punishable by imprisonment, whereas the equivalent provision allows prosecution only in relation to agreements to commit indictable offences. It is true that this represents a narrowing of the scope of the conspiracy charge in relation to the law in 1991. However, it must be remembered that the point of the restriction to offences punishable by imprisonment enacted in 1878 was to restrict the use of conspiracy charges to serious offences only. That policy holds good today. One would only want to use conspiracy charges—very serious charges—in the worst excesses of an industrial

dispute gone wrong, and which involved serious indictable criminal offences.

I took the view that when one compares the general state of the law in 1878 to now, there is now a host of minor summary offences which are punishable by imprisonment but which really should not be escalated to the full grandeur of a charge of criminal conspiracy merely because two or more have agreed to do it. Further, the line between indictable and summary is a more rational criterion for what is really serious than what happens to be punished by imprisonment. It should not be forgotten that a modern trend, unknown in 1878, is to create serious indictable offences in some cases which are punishable by very large fines.

The Hon. Mr Griffin also raised concerns about the abolition of criminal conspiracies in restraint of trade. I take the view that this head of criminal conspiracy was abolished in 1878 for good reason (see section 260 (4) of the CLCA). In the first place, there is doubt about whether it ever existed at all. One of the springboards for the abolition of the offence in 1875 was a campaign conducted by a learned English jurist, R.S. Wright, who published a very influential monograph in 1873, in which he argued that it did not exist but that, if it did, it was grossly and unreasonably wide and uncertain and should be abolished.

I would like to inform members that this offence, if it ever existed, applied not only to trade unions, but also to employers. Furthermore, if it existed at all, it made an agreement to do something entirely lawful a serious criminal offence merely because two or more people agreed to it. I am of the view that would come as a great surprise to the Trade Practices Commission, not to mention the Arbitration Commission, not to mention organisations of employers and employees, to learn that South Australia proposed to make all agreements to raise wages, to set industry standards and the like, to do things hitherto thought to be entirely lawful, a serious criminal offence. We would be going back to the cases of the eighteenth century, in which it was held that workers would be criminally liable for merely agreeing to pursue means to raise their wages, and employers could be criminally liable for agreeing to pay wages beyond the normal level in the trade. I do not think that we want to do that.

The Hon. Mr Griffin and the Hon. Mr Burdett both raised the question of the desirable scope of the loitering offence. The Hon. Mr Griffin canvassed the desirability of providing that a police officer could give an order that a person has to keep out of a particular area of one kilometre for a period of up to eight hours. I would be opposed to such a measure. It must be borne steadily in mind at all times when discussing loitering that the High Court decided in 1973 that there is no unlawful purpose in pure loitering at all. In other words, a police officer on traffic duty, people standing in the street to catch a bus, or window shopping, or doing any of those things that we all do in public places in the normal course of our daily lives are all loitering. That is not to say, of course, that such people could be moved on; the legislation in this State now properly requires something more. But it does not require much more. The window shopper can be moved on, no matter how innocent he or she may be, if a police officer believes that a breach of the peace is about to occur in the vicinity.

To say that a police officer can, on the basis of a very general belief, order perfectly innocent people, thus creating a criminal offence, subject to arrest, to leave a square kilometre area for up to eight hours, involves a breathtaking curtailment of civil rights without parallel, certainly in this country. If such a power existed, what would it mean? Would it mean that a person so ordered to leave had to leave the kilometre radius by the fastest means possible? The High Court said that one may be loitering even when one was unnecessarily slow in leaving. What if the person lived within the no go area, or worked there? How could it be policed? Would those ordered to leave be stamped like the patrons at a concert? Would the police follow them the whole kilometre?

I would like to remind members that the Mitchell committee recommended repeal of all loitering offences as 'in our view the loitering provisions are at best a subterfuge and at worst an unwarranted interference with the liberty of all persons to use streets and other public places'. The current compromise law was achieved when what is now called the Summary Offences Act was redrafted to take account of the Mitchell recommendations in 1985. To so far extend the scope of the intrusive power to order the liberty of the individual on the spot, in effect to create a criminal offence applicable only to that person, without appeal, to my mind, goes too far.

I can see no reason at all for the retention of the special provision, now contained in section 245 of the Act, dealing with riotous behaviour about shipping. There are a number of reasons for that. So far as I can ascertain, it has no practical importance at all. No-one can recall when it was last employed, if at all. The offence derives from legislation of 1793. Its re-enactment cannot be justified. Unlike the position in 1793, industrial or other disputes at the waterfront are dealt with by other means. Whether or not any honourable member believes that current initiatives in relation to the industry restructuring of the waterfront in this country are more or less successful, they will not be improved or enhanced by the re-enactment of a specific criminal offence of broad and far reaching content, which has not found use in living memory and the employment of which could serve no useful social purpose. Either the provisions of the law dealing with unacceptable public behaviour are adequate or they are not. Why have a special offence for ships and not for trains, or buses, or trucks, or any other area of work?

The Hon. Mr Griffin also asked some specific questions about particular provisions. He asked whether the repeal of the offence currently contained in section 242 of the Act (unlawfully administering oaths) can be safely repealed. As the discussion paper on these offences pointed out, the problem with this offence is that it has not been possible to discover what it was really aimed at preventing. In so far as it deals with people taking oaths who are not authorised to do so, the relevant offence is contained in section 30 of the Oaths Act.

The Hon. Mr Griffin also asked whether section 249 of the existing Criminal Law Consolidation Act, which deals with criminal defamation in relation to the malicious publication of reports of the proceedings of Parliament, serves some useful function. It is true that the discussion paper on these offences expressed the view that it probably did. Subsequent research has indicated that, after the enactment of the Parliamentary Papers Act 1840, from which this provision derives, the courts declared the common law to be that the publishers of reports of parliamentary proceedings should not be criminally or civilly liable for any defamatory material which they might contain, so long as fair and faithful reports are published in good faith. This law was not incorporated in this Bill because it had enough to do without venturing into the fields of parliamentary privilege and general defamation law. In addition, the provisions of section 12 of the Wrongs Act are relevantly the same as the provisions now being repealed.

The Hon. Mr Griffin drew attention to the fact that the offence of lewd exposure in a public place contained in section 255 of the Act may well be covered by offences in the Summary Offences Act, but that the penalties provided in that Act are less than those contained in the Criminal Law Consolidation Act. That is certainly so. What we are dealing with here is what is commonly known as 'flashing'. Where such behaviour causes serious affront or alarm, the charges of assault or indecent assault are available. But where that is not the case, what we are dealing with here is really a public nuisance committed by rather sad individuals for whom long terms of imprisonment are inappropriate. There can be no doubt that the behaviour ought to be criminal; but I take the view that a maximum penalty of two years for a first offence and four years for a subsequent offence is excessive considered in relation to other offences. Common assault, for example, was the cause of some difference of opinion between the Government and the Opposition recently, but the debate was over three years rather than two. Are we really going to say that flashing that does not constitute an assault or indecent assault should attract a possible maximum greater than punching someone in the nose?

The Hon. Mr Griffin also raised the desirability of retaining something like the offence contained in section 256 of the Act dealing with a person with an infectious disease who wilfully exposes himself to the public. He raised the question of people who use infected syringes to commit crimes and who allege that what they have is an infected syringe. The offences contained in section 256 of the Act do not deal with that sort of question. They were public health measures directed at the isolation of people with infectious diseases and the disinfection of places in which they lived and conveyances in which they travelled. The offences created represented the judgment of people in 1866 that public health policy in relation to these matters was best served by the creation and enforcement of serious offences dealing with these matters. That may or may not have been right in 1866. The considered judgment of today's society in relation to these matters is contained in the Public and Environmental Health Act 1987.

That legislation provides that a person suffering from a controlled notifiable disease may be detained in quarantine for up to six months, or may be subject to orders or directions about how and where to live. Further, section 37 of the Act provides that a person infected with a controlled notifiable disease must take all reasonable measures to prevent transmission of the disease to others or be liable to a fine of $10 000. These are the equivalent provisions to those sought to be repealed. Whether or not the criminal law adequately deals with people who threaten other people with syringes that contain or are alleged to contain infected blood, or otherwise deliberately infect another person is a distinct matter of public and criminal policy. It falls to be considered in relation to the scope and range of offences against the person such as assault, reckless endangerment, threats, malicious wounding and the like. Any new specific offence dealing with the matter must be considered carefully, both by penalty and by the scope of conduct that it criminalizes, in relation to those existing offences.

That is not what this Bill is all about. I would like to take this opportunity to inform the Council that opinions have differed in Australia as to whether or not a specific offence in relation to this sort of behaviour against the person is necessary. Some States have said that is is, some not. Members may recall that, last year, as a result of agreement at the national level, the Government amended a part of the law of homicide called the year and a day rule to remedy what it saw as a deficiency in the law in relation to this sort of behaviour. One of the lessons of this antiquated part of the Criminal Law Consolidation Act is that serious very specific criminal offences dealing with what are perceived to be issues of the day quickly become superfluous and clutter up the statute book to the confusion of the law.

I take the view that we should not, through the medium of the Bill, enter into reform of the law about offences against the person. This issue should be dealt with, if necessary, after further consideration and when reform of the criminal law dealing with offences against the person is addressed as part of the codification effort.

I have, of course, on previous occasions reported on the efforts to codify the criminal law that are taking place in this State and also nationally, and the view is that the issue relating to offences against the person, which the Hon. Mr Griffin has raised, should be dealt with in that context and not in the context of this Bill. Once again, I thank members for their constructive comments, and commend this Bill for consideration during the Committee stage.

Bill read a second time.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 2741.)

The Hon. J.C. IRWIN: The Opposition supports the second reading of this Bill. At the outset I declare an interest, because I have a property in part of the area covered by this legislation. My initial interest in water in the South-East goes back a fair time—indeed, since I first took up land in the Tatiara district in about 1962, when I was looking for stock water. I am lucky, as are others in my area, to have a good supply of good quality underground water at a fairly shallow depth. Some of my neighbours pump up to 200 000 gallons per hour for flood irrigation. Not far from me is the largest lucerne seed growing area in Australia, based on both flood and centre pivot irrigation. It is an important industry for the Keith area and, as most seed is exported, it is also significant for the South Australian economy. This large irrigated area has diversified cropping and a huge potential to tap different seed and fodder markets in the future.

The underground water resource, which is of great importance to the viability of farms, could also be described as a fragile resource. It must be managed for quantity and quality of water. Most, if not all, of the significant underground water resources of the South-East are now well and truly managed by very tight controls. I support this, but I do not support the philosophy behind the allocation of water use rights. For instance, my property has no right at all to use the underground water table for anything other than stock use, and that situation may apply forever to any future generation using my property. What should be in place is an allocation to all properties calculated on the size of property and the water area available, and this right should stay with the property, but be temporarily transferable. I indicate that this is a matter for consideration in the future and is nothing to do with this Bill.

Approximately every seven years there is localised surface flooding in the area known as the Tatiara council area around Cannawigara. It is caused by water coming from Victoria and joining localised falls of rain which find their way into two creeks and into two large swamps and then

on to the beautiful and largely highly productive area known as Cannawigara. This area is blessed with porous limestone and natural runaway holes which can take massive amounts of water into the underground basin. That is the best water storage area available, because one does not have to build anything and there is very limited evaporation from that storage area. In these times of local flooding water in stock bores approximately 30 kilometres west of Cannawigara can be observed rising to the surface—an illustration in very simple terms of water hydraulics.

In the early 1980s I observed at first hand—and many may remember the television pictures and print media photos—what was to become known as the 100 year flood. This time the water swept on past Cannawigara, past my property, through the Naracoorte road and finally stopped at the Black Range. I say 'through the Naracoorte road' because this was the now famous occasion when, with two houses threatened and sandbagged, the person who became my colleague and who is now retired (Hon. Martin Cameron) came onto the scene literally as the water was lapping around the sandbags and was about to inundate the two houses.

After speaking with the Director of Highways, Mr Johinke, Mr Cameron persuaded the then Minister of Highways (Hon. Michael Wilson) to allow the Naracoorte road to be cut. It was a fairly drastic measure which needed to be taken. It was eventually taken, and the road was finally cut in three places by my friend and fellow councillor at that time, Eddie Davis. I must say that he took great delight in cutting through that road, first, because he liked using machinery and, secondly, I guess he had some sort of—

The Hon. L.H. Davis: He is from Bordertown.

The Hon. J.C. IRWIN: Yes. Mr Davis had some destructive bent about him. Nevertheless, he was not going to do it without permission. I use this dramatic example to illustrate the problem that arises in good faith sometimes with engineers and others building obstacles in the form of raised up roads directly in the path of water taking its natural course. Too often we fail to think throught the effects of our engineering decisions. This is a shot not at engineers but rather at councils and boards in general which do not take into consideration all the relevant matters and cannot always foresee what problems their actions will cause in later years, despite available advice based on vast experience.

Yesterday, I drove through Meningie, having come from Tailem Bend. I noticed the new very good highway that has now been constructed in that area. However, it has been constructed eight or nine feet above the natural land area, with very little room for anyone, whether in a bus or car, to move off the road, except literally to roll off it, because of the nature of the construction. As I said, the road is eight or nine feet above the natural land, and all around that area is potential flood plain. I could see no area where the water could get underneath the road from one side to the other as it tries to take its natural course towards Lake Alexandrina. I was Chairman of my council at the time of this 100 year flood, and I drove around the whole area every day to monitor its progress. If honourable members cannot imagine already, I can tell them that times of flooding in rural areas, and probably any area, are no fun. Neighbours fight neighbours and every person is for himself as one property pushes water on to the next property. Fists and shovels become pretty common weapons, not to mention bulldozers in the night knocking down other people's banks and pushing up their own banks.

I recall the Hon. Murray Hill, when Minister of Local Government, using Bordertown to call a public meeting involving the border councils from both Victoria and South Australia. The conference, in about 1981, was to look at a number of common problems and to discuss how the two States could cooperate to pass common laws and regulations. I believe it is true to say that much progress was made from that conference for the benefit of both States, and in particular for those who live along this common border, wherever that border is, because it was stated then, and it is still being stated publicly, that the South Australian/Victorian border is not in the right place. Perhaps one day it will be. Wherever it is, there are councils on either side of it, from the River Murray right down to the coast south of Mount Gambier, which have common problems. It was a very good exercise and initiative by the Hon. Murray Hill to set up that meeting.

Flowing from that conference was a commitment by my council and its cousin across the border in Victoria, the Kaniva shire council, to have regular meetings. I am not sure whether they are still going on, but they certainly were a few years ago. The one topic which dominated and which was of great concern to the South Australian side of the border was what Victoria was doing with its road works and drainage and the effect that it would have on the Tatiara. There was no doubt then, as there is no doubt now, that the natural flow of surface and underground water was westerly through our council area towards the sea or towards the Coorong. There was also no doubt from this relatively high rainfall area that the more water pushed west the better it was for the agricultural areas of the Kaniva shire.

I suggest that a similar situation applies to those council areas on the Victorian side of the border south of the Kaniva shire. In my recent discussions on this Bill, and in inspections of the new area of the South-East which will be covered by it, it was put to me over and over again that there is no doubt that a larger volume of water is more quickly reaching the Marcollat area than ever before. I certainly have not lost sight of advice from early settlers—and there are still a number in the Marcollat area—that there was always a large volume of periodic floodwater in that area. I am referring now to an area which supplies water to the Marcollat watercourse area, east of Naracoorte and south towards and around Casterton in Western Victoria, which is, I reiterate, the source of much of this Marcollat water. It is a significant point, and one which cannot be ignored. I will return to this point later in my contribution, because this water and local South-East water is I suppose, the reason behind the amendments to the Act and the whole South-East drainage problem which we are discussing within this amending legislation.

Before I do that, I would like to refer briefly to the provision of the new Act which has the effect of repealing the Tatiara Drainage Trust, which came into being in 1949. Although I have never been a member of that body, I have some knowledge of its workings. I have already mentioned the surface water problem of the Tatiara, particularly around the Cannawigara area. It is fair to say that the Tatiara Drainage Trust existed to manage that problem by giving permission to erect banks. In other words, any bank construction in the area of the drainage trust first had to have the trust's approval. One problem for the trust has always been that its Act did not have many teeth. For instance, it could demand that banks built without approval from the trust must be taken down, and a time limit was given for landholders to dismantle any unauthorised bank. In the end, the time limit was nearly always long enough—once an illegal bank had been discovered—for the flood period to have passed.

My personal criticism of the Tatiara Drainage Trust—criticism which was strengthened during the 100-year flood of 1981 to which I referred earlier—was that, although trust members had extensive local knowledge, they appeared not to have an overall plan for giving permission to erect banks, bearing in mind that banks are erected to contain water on a property and/or to push water on its way without inundating that property. But it obviously follows that it must inundate someone else's property. Local debate has always centred on what is the natural watercourse, and I must ask the Council whether anyone has the right to stop water from flowing or spreading out over large areas in a natural fashion.

The very broad Tatiara watercourse is evident by river gums at its extremity. Many people would agree that mud is better than dust, and the very valuable and fertile land in the general Cannawigara area is evidence of the benefit of floodwaters bearing rich silt. In most cases the benefits far outweigh the damage. The Tatiara Drainage Trust has the ability to raise money levies on landholders within its area. To my knowledge this has not been done in a major way. Until recently there has been limited, measured knowledge of the behaviour of surface and underground water, and those are undoubtedly linked. The Government has done good work in this area of research, which will be invaluable to the new South-Eastern Water Conservation and Drainage Board in its decision-making.

I am sure that the Tatiara Drainage Trust decided over the years not to raise money in order to fund its own local research on the behaviour of water. This expensive exercise may have helped the trust make more accurate local decisions, but they obviously decided not to raise levies in order to do that, and that that should be done by the Mines and Energy Department or the Engineering and Water Supply Department.

With all that said, I would like to pay a tribute to those who have served on the Tatiara Drainage Trust since its inception in 1949. It has not been an easy task, and it has been carried out with honesty, integrity and a great deal of diligence and at a fair bit of personal cost. In a way, I am sad to see the trust go. Whatever its shortcomings, to my philosophical position it represents a local structure being run by local people with vast knowledge and experience at very little cost to the State or to anyone else. It remains to be seen whether the new South-Eastern Drainage Act and board, with its central control in the South-East, will be able to make the same achievements. Of course, I acknowledge that this Act will set up an advisory committee for the Tatiara area. In some respects that will be of benefit to the area, and I hope its advice will help the South-Eastern Drainage Board in its decision making relating to the Tatiara. I acknowledge that the Tatiara is only the north-eastern corner of a quite large area of the South-East.

I have spent some time outlining the surface and underground water problems in the Tatiara area. They are localised, with the intrusion of water mixing, if one likes, with water from Victoria and is nothing like the problem of water inundating the area of land west of the Black Range and south of Tatiara. It is my strong contention, based on my observation, that surface Tatiara water does not (and I underline the words 'does not'; it did not do so even in the 100-year flood such as in 1981) get around the southern end of the Black Range and mix with what I will call the local South-East water.

Underground water emanating from Victoria and Tatiara may well have a big effect on the land west of the Black Range and south of Tintinara. Mount Charles water, so commonly referred to as salt water and involving the salted lands west of Keith, is linked to the Tatiara water, not through surface flooding from very far east of Mount Charles, but more by the hydraulic effect of underground water flowing roughly north-east. The inundation of salt-affected water lying around Mount Charles is, I believe, growing, and represents a major problem. I am sure there are better ways to solve this problem than by contemplating a grossly expensive exercise of cutting through the Black Range, allowing this water to flow on then through to the Coorong and inevitably inundating land south of Tintinara.

It annoys me intensely to hear debate about the advent of this water being attributed to scrub clearing in the general Keith area or to the east of that area. I believe the old Mount Charles homestead is almost 100 years old, and there is evidence, which I have seen, of levy banks around this homestead that have been in place for a very long time indeed.

I now turn to the discussion on the South-Eastern Water Conservation and Drainage Bill which is now before us. I must say that, from the outset, my view of the present South-East drainage has been somewhat at a distance. My views may have more than a touch of ignorance to them. I have always held the view, rightly or wrongly, that the board has done an excellent job in the past in draining the Lower South-East. There will always be contention about the draining away of valuable water resources and about water that may have drained too far. Nature has always inundated the Lower South-East with surface water from a sustained good annual rainfall pattern. The move in recent years to place sluice gates in the channels that drain this water to the sea to hold back the water in certain times is commendable.

I sincerely hope that this great freshwater resource of the South-East can be harnessed in future for the economic benefit of the South-East and indeed for South Australia. My concern has been that it would appear that huge quantities of water from the lower South-East have been pushed into the upper South-East area with no regard for the landholders who have been allowed to develop that country. I understand there are three areas of water inundation emanating from the lower South-East. One I identify as in the areas of the Wittalocha, Coola Coola and Napier properties, where water flows through the area known as Duck Island—aptly named, as I recall the present owner's father inspecting the property in the late 1960s mostly by boat. I have consulted with most of the owners of the properties mentioned and they have no great problem with the permanent or casual water innundation. I suspect that they will in future have some problem if work is carried out to the south-east of their properties which will send more water in their direction.

The second area identified is the Reedy Creek/Tilly Swamp water which runs up the eastern side of the Meningie to Kingston Road, parallel to the Coorong. I confess to knowing little of this body of water other than that it is often talked about as a way of getting water to Salt Creek and out through Salt Creek to the Coorong. The third body of water has to me the most significance. The Marcollet watercourse, which is partly drain E, and the Bakers Range watercourse link together after Jip Jip to form what is now known as the Water Valley wetland area. Jip Jip was known as a water hole in my early days in the Keith area and was often visited for picnics. It is now, thanks to a dam wall being extended higher, a body of water of some 2 000 acres. This body of water is undoubtedly a bone of great contention in the immediate surrounding area, particularly south and west of Jip Jip.

I have had considerable representation from landholders in this area and they contend that rising salt water on their low lying flat land is causing and has caused considerable pasture and economic loss. My knowledge is not sufficient to sort out who is right or who is wrong in the heated debate on this issue. However, I am confident that the new drainage board will address the problem and satisfy both the present landholders who are aggrieved and those who desire to maintain a wetland to their north-east. It is of vital importance that any decision of the new board be based on expert knowledge, the maintenance of a measurable databank and a close liaison with all landholders who will benefit or be affected by the board's decisions.

As I said previously, I am well aware of advice from very experienced resident landholders in the general area of the Marcollet watercourse and this area has traditionally been inundated with water. What I have to say is the obvious: no matter what nature has provided in the past, man has interferred, so the ball game is now a different one. I suppose that this is called 'progress' and if the south-east is to remain a productive land use area for the benefit of locals and others in the South-East, we have to do the best with what is now required. If it is good enough to drain the lower South-East, it is good enough to drain the upper South-East in such a way that allows landholders to live in and produce in some sort of harmony—harmony with nature and with each other—and allows the basic value of water to be harnessed.

I had the pleasure in late October last year to be the guest of Mr and Mrs Tom Brinkworth, together with about 120 other people, to tour for two days in what is known as the Water Valley wetland conservation area. It is a vast tract of country owned by Mr Brinkworth, starting at the property on which Jip Jip is found and going north-west to a point east of Salt Creek. At present the head of the bulk of water in the general Water Valley wetland area is stopped short just south of Messant Conservation Park by an artificial barrier. I do not intend here now to comment on what I saw in this wetland area, nor on the topics of interest, both positive and negative, that were discussed. None of the matters raised with me were new and I am confident that the new board will address the issues sooner or later.

The decisions about how the wetland area should be allowed to be maintained—for example, whether it should be a permanent wetland or a wet and dry land area—will be made by the board and I do not envy it in its consideration of this important matter. No doubt, landholders and the board will have adequate advice on which to make decisions. Linked to this decision is how much water should be allowed to proceed north-west from drain E and the Marcollet watercourse to feed and replenish the Water Valley wetland area. It is an expectation in the area that a new drain will be built to take water from drain E west to the coast and therefore water going north-west will be controlled. I assume that this drain west will pick up water also from the Bakers Range watercourse, which it intercepts. Of course, time will tell what happens here.

Of immediate concern to almost everyone in the path of the Marcollet water, with the system reasonably full now after one below normal rainfall winter, is what will happen if we get an average rainfall this year, 1992, which has already started with the early and quite substantial rains in the South East in the month of March. The system is blocked off now south of Messant and there is nowhere for the water to go except for it to become deeper and spread out, with associated effects. Long range I hope that the water will be diverted west to Salt Creek and out to the Coorong. Again I reflect the collective thoughts of others and cannot solve this problem with my limited technical knowledge. However, this major problem must be addressed and solved.

I have given evidence that the Coorong water and the Coorong water mass is in bad shape and many people would not like to have this fresh water coming in from the drainage from the South East into the Coorong. They may like to find another way of replenishing the water from the Coorong, but I do not think that they can. I hope that we see a quick resolution to the problem. I acknowledge that it will be expensive to take water from the end of the Water Valley wetland area and turn it towards and through to the Coorong, but I urge that this be looked at by the board and the State Government when it gets to this point. I am particularly worried about what will happen with the buildup of water through a wet winter.

This fresh water and rainwater in the South East that is being drained off at the moment, whether from the upper or lower South East, is a very valuable resource. It is not inconceivable that the water coming out of the Water Valley wetland area and heading to Salt Creek could be harnessed in a major way for irrigation and intensive land use for production, such as milk production (which is a great possibility) or for the growing of crops that can be harvested for export and for internal use.

I believe that this whole water area should be of great economic importance to South Australia, but I accept that there will be a protracted argument about this and the other matters that were raised about this, as well as other matters in the Bill, and any sort of drainage or diversion of water will be expensive. However, if people argue, as they do, that the Water Valley area (to give the area some identification) was a natural wetland in the past—and I accept that argument; it cannot be refuted—there must have been a natural outlet for that bulk of water in times of over supply of water.

I have lived in the upper South-East area for 30-odd years, I have flown over it and this particular watercourse twice recently, I have spoken to landholders and other interested people, and I have a great personal interest in how the problems will be solved. However the new Act is constructed after the debate has been concluded in this Chamber (and indeed, that will end the debate in both Houses), I hope the structure in place will work well for all who are directly affected by water inundation. I will be moving some amendments during Committee and I look forward to the debate on those amendments and on any others that may be moved during Committee. I support the second reading.

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

ROAD TRAFFIC (ILLEGAL USE OF VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2838.)

The Hon. K.T. GRIFFIN: This Bill was introduced by the Government and was obviously prompted by the private member's Bill introduced by the member for Hayward (Mr Mark Brindal), in the House of Assembly at the end of last year. Mr Brindal's Bill sought to ensure that amendments were made not only to the Motor Vehicles Act but also to the Criminal Law Consolidation Act and the Children's Protection and Young Offenders Act. The Bill which he

introduced was a private member's Bill and was not necessarily agreed to in every respect by members of the Liberal Party, but we take the view that, if members do have an issue which they wish to pursue, they should be entitled to do so, and to test the water.

Mr Brindal was very concerned, as are all members of the Liberal Party, that illegal use of a motor vehicle is increasing as an offence and that more stringent provisions ought to be applied both to upgrade the penalties and to signify, by transferring the offence from the Road Traffic Act to the Criminal Law Consolidation Act, that it is a serious crime. Mr Brindal sought to transfer section 44 of the Road Traffic Act into the Criminal Law Consolidation Act and to provide that a first offence of using a motor vehicle without consent attracted a penalty of two years imprisonment and, for a subsequent offence, not less than six months and not more than four years.

The penalty for a first offence was doubled, and that is now mirrored by the Government's Bill. The maximum penalty for a subsequent offence was doubled and, again, the Government's Bill mirrors that, but the minimum penalty was increased from three months to six months. The Government maintains that at three months and, as I will indicate shortly, my preference is to leave the minimum at three months. I generally have an aversion to minimum penalties, particularly where imprisonment is concerned. I do not have such a concern where minimum fines or minimum periods of disqualification are a concern, but imprisonment is a different matter. One is depriving an individual of his or her liberty, so the minimum three months is appropriate in these circumstances.

Mr Brindal sought to provide that a person who enters onto land or premises with an intent to commit the offence of using a motor vehicle without consent is also guilty of an offence, and his Bill put the penalty for that at a division three fine or imprisonment for seven years, recognising that to enter premises with a purpose of taking the vehicle was even more serious than taking it from a public place. So, obviously, the Bill introduced by Mr Brindal prompted the Government to react and, as a result, some three months later the Attorney-General introduced this Bill.

Illegal use of a motor vehicle is a serious offence. It is growing in frequency, and many people who suffer as a result of illegal use are most offended by that behaviour. For them, it is as serious as breaking and entering, because it infringes their entitlement to their property. What prompted Mr Brindal to introduce his Bill was a spate of illegal use offences drawn to the public's attention, particularly in relation to young offenders. He was concerned that, for a serious subsequent offence, there should be a requirement that the young offender be dealt with in an adult court and, in principle, one can agree with that. The detail is a different matter, but that is not an issue that I wish to take up in considering the Government's Bill. The Government legislation seeks to increase penalties and to react to Mr Brindal's initiative.

It is important to look at some of the trends with motor vehicle theft and illegal use of motor vehicles. The Police Commissioner's report indicates that in 1981-82 motor vehicle theft, which includes both of those offences for statistical purposes, totalled 5 584 offences coming to the notice of the police. In 1990-91 that figure had almost trebled to 15 303. If one looks at it on the basis of so many offences per 100 000 South Australians, one sees that in 1981-82 it represented about 421 offences for every 100 000 South Australians and in 1990-91 it represented 1 056 offences per 100 000 South Australians.

The Police Commissioner's 1990-91 report indicates that that description of motor vehicle theft for statistical purposes includes larceny of motor vehicles and offences involving the unlawful use of a motor vehicle without the consent of the owner. The report states:

> In the case of unlawful use of a motor vehicle, the offender does not intend to permanently deprive the owner of his or her motor vehicle. Motor vehicles include all motorised vehicles which are eligible for registration for use on public roads. They include cars, motorcycles, buses, trucks, campervans and tractors, but exclude non-motorised trailers and caravans.

The report later states:

> During 1990-91 a total of 15 303 motor vehicle thefts was recorded. This is an increase of 17.3 per cent over the number recorded during the previous year. A total of 13 890 motor vehicles was recovered during 1990-91. Some vehicles recovered during this financial year may actually have been reported as stolen during a previous year.

They are significant figures because about 1 400 motor vehicles are never recovered. That 15 303 motor vehicle thefts coming to the attention of police represents 16.28 motor vehicle thefts per 1 000 registered motor vehicles compared with the figure in 1981-82 of 7.85 motor vehicle thefts per 1 000 registered motor vehicles.

An interesting aspect of the statistics is that of the 15 303 offences coming to the notice of police only 1 636 offences were actually cleared. That is a rather alarming figure because it represents a significant number of offences where the offenders are never caught. Another interesting aspect of the Police Commissioner's report is that in 1990-91, of the motor vehicle thefts reported, some 53.5 per cent were committed by those under the age of 18. So, quite obviously, it is an offence that has some great attraction for young people. There have been analyses of why that occurs. Young people are bored or they want to establish some prowess. Stealing a motor car is the current means by which that prowess is demonstrated. It is interesting to note that of those who are under the age of 18 years, 860 are males and 129 are females, giving a total of 989 cleared offences. The Police Commissioner's report observes that:

> Relatively large proportion of juvenile offenders were recorded for breaking and entering (48.7 per cent), total larcenies (50.3 per cent) and motor vehicle theft (53.5 per cent). In summary, 20 per cent of offenders recorded for violent crimes and 47.6 per cent of offenders recorded for property crimes were juveniles.

So, the figures are alarming. One might tend to place some responsibility upon manufacturers of motor vehicles in respect of the extent to which they attempt to make their vehicles theft-proof. Whilst there are complaints about that, particularly in relation to Holden Commodores, a factor that I think has now been addressed by the manufacturer, nevertheless, one cannot justify the level of motor vehicle theft and illegal use of motor vehicles by reference to some perceived fault in the manufacture of the motor vehicle. The behaviour is clearly illegal and immoral and it just ought not to occur. However, where it does occur, there has to be quick apprehension and speedy attention given to the offender in the court system.

One of the complaints that was made last year on a number of occasions was that multiple offenders were not being dealt with promptly or in a manner designed to deter them from repeat offences. It is important for that to be considered in addressing this issue in the Bill. The Opposition will support the second reading of this Bill. During the Committee stage we will raise the issue of the way in which young offenders might be dealt with—in a Children's Court or an adult court. The Opposition recognises that section 47 of the Children's Protection and Young Offenders Act already gives the Attorney-General an option of applying to the court for an order that a young offender be treated as an adult. We would hope that that is used on those

occasions where motor vehicle thefts occur regularly and particularly in the case of multiple offences by a young offender.

It would be helpful if in his reply the Attorney-General provides some information about the number of section 47 applications he has made in relation to illegal use of motor vehicle cases and all other cases involving young offenders and the outcome of those applications over the past three or four years. During the Committee stage the Opposition will also raise the potential for this provision in the Road Traffic Act to be transferred to the Criminal Law Consolidation Act, where it rightly should be. It is akin to larceny, although it is recognised as not actually larceny. If it were in the Criminal Law Consolidation Act rather than the Road Traffic Act, that would demonstrate the level of seriousness that we attach to this offence.

In the Road Traffic Act it may be regarded as just another offence involving a motor vehicle. We will also be proposing an amendment along the lines of that proposed by Mr Brindal that, if one enters premises with the intention to commit an offence of illegal use of a motor vehicle, there ought to be an offence that is subject to a penalty—a penalty that we still have under consideration. I tend to the view that seven years is too long for that, but it certainly ought to be a significant penalty that takes into account that not only is a vehicle being used illegally but also that premises have been entered for the purpose of taking a vehicle and illegally using it. We will be raising that issue and moving an amendment at the appropriate time during the Committee consideration of this Bill.

The Hon. I. GILFILLAN: I oppose the second reading of the Bill mainly, one could say, because its main achievement is an increase in the penalty. I do not believe that will serve any useful purpose except, perhaps, to add to our already overcrowded prison population. I do not think that it will act as a deterrent. The penalty in the current legislation is adequate. I accept that the disqualification of a driver's licence would be a useful addition to the penalty options and, if that were achievable, I would have no great difficulty with that although, as it is worded in the Bill, I believe it is too inflexible. Clause 3 *(b)* (1b) provides:

> The disqualification prescribed by subsection (1a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence.

It is most insensitive to circumstances in which an offender may depend on the ability to drive a motor vehicle to hold a job. I believe that those circumstances must remain in any form of humane sentencing procedure.

This Bill really has nothing much to commend it as far as the Democrats are concerned. However, it has raised an interesting analysis of the offence. I have had discussions with Mark Brindal, an honourable member in another place, and have listened to the observations made by the Hon. Trevor Griffin in that same context. It is reasonable to analyse the offence of illegal use of a motor vehicle as being motivated by several causes: one could be just reckless joyriding; one could be a specific intention to steal the property; and one may be to break and enter the vehicle with the intention of using its interior or contents or, in fact, just occupying its space, in which case I use the words 'break and enter' because it is analogous to a break and enter of a private home.

For many people their cars are an extension of their own private territory, and they feel the same sort of intrusion or hurt from the break and enter and despoliation of the car and its interior as they would if it were their own house; in some cases, perhaps even more. It is an interesting exercise to analyse the offence and to recognise that it is prompted by a range of motives. It is interesting also to consider where the offence should properly lie in legislation; whether, as the Hon. Mr Griffin says, it is appropriate for it to remain in the Road Traffic Act.

Personally, I believe that it should not. In almost any context that I can see, the offence properly fits more comfortably into the Criminal Law Consolidation Act as a form of criminal offence in that form of legislation. I will oppose the second reading of this Bill and, if possible, will seek to amend during the Committee stage (where the Bill obviously will go) the penalty options regarding the disqualification from holding a driver's licence, so that the court will have some flexibility to reflect the personal impact that a disqualification of a licence may have on an individual.

If that were achieved I would consider that, at least, some small good could come from the passage of this Bill, but I am totally unpersuaded that by increasing penalties, which seems to be the flavour of the month, we will by some magic wand reduce the actual incidence of the offence. That is a totally futile approach.

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

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 26 February. Page 3049.)

The Hon. L.H. DAVIS: This Bill provides for the appropriation of up to $860 million, so giving parliamentary authority for expenditure to enable the Government to provide public services during the months of the new financial year 1992-93. It is interesting to see that the Bannon Labor Government concedes the mess that the Australian and South Australian economies are in: the admission is in the second reading explanation for all to see. That states:

> The national recession has deepened during 1991-92, and signs of the effects of this on the prospective budget outcome have emerged.

In other words, there has been no economic recovery, no economic upturn and no sunshine at all in either the South Australian or the Australian economy. However, the Bannon Government goes on to praise the Keating initiatives, which were to be contained in the Federal Government's economic statement. It claimed that it had a significant input into the Federal Government's economic statement following visits to South Australia by various Federal Ministers and the Prime Minister. How interesting it is to put the economic statement into perspective with the problems in South Australia.

Just pause for a moment and reflect on what was contained in the Keating economic miracle for Australia. The Treasurer, having claimed that we were having the economic recession that we had to have, having earlier denied that there was going to be a recession and that, if there had been a recession, we were recovering anyway, is now being forced in his new role as Prime Minister to produce an economic prescription for recovery. That economic prescription was a $2.3 billion package for the 17 million hapless Australians forced to live under this bankrupt Labor regime.

What does that mean for South Australia? Let us put it into perspective. The fact is that within the past 15 months the South Australian community has had to live with the reality of a $2.2 billion loss by the State Bank. We have a population of 1.45 million people in South Australia—representing just 8.5 per cent of the nation's population—

facing the ongoing problems created by a $2.2 billion loss by the State Bank.

We have been told by the Premier of South Australia, Mr John Bannon, that the $2.2 billion economic prescription from Prime Minister Keating will create an economic miracle. Even members opposite, short though they may be on economic knowledge and ability, would see that there is a fair quantum leap in the very thin argument of Premier John Bannon when he says, 'There is no problem with the $2.2 billion loss in the State Bank; we are sailing through that. But, by jingo, $2.3 billion for the whole of Australia will blow the roof off the economy. It is just wonderful.' Let me examine what the State Bank ongoing problem will mean to Mr and Mrs Voter.

The Hon. R.J. Ritson: Which thimble is the debt under?

The Hon. L.H. DAVIS: There are so many thimbles that we do not have time to look under each of them this afternoon.

The Hon. R.R. Roberts interjecting.

The Hon. L.H. DAVIS: Whatever the Hon. Ron Roberts might think, at least I am numerate. I think that even if Father Christmas brought all of you on the Government benches an abacus, you would still be looking at it at the end of the day. Let us examine the impact of the $2.2 billion loss of the State Bank on the financial budget of South Australia. We cannot set it off to one side and say, 'It does not matter because it is a separate statutory authority masquerading as a commercial entity.' The sum of $2.2 billion in losses involves an ongoing commitment from this State Government of $200 million in interest payments per annum. When one remembers that State taxation in all its forms raises about $1.5 billion, representing about 30 per cent of the total annual budget in South Australia, when one remembers that State taxation of $1.5 billion in a full year is only three-quarters of the loss of the State Bank and when one takes into account the $200 million interest bill annually which the Government is forced to absorb on the borrowings to fund that $2.2 billion loss, we can see that we are talking about the State Bank interest bill being about 13 per cent to 15 per cent of total State taxation.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: That is the story. The Hon. Trevor Crothers, from the bottom of his heart, even though it is St Patrick's day, I am sure recognises that not even a leprechaun at the bottom of the garden can jump over that mountain of debt. We are talking about State taxation having to increase by 15 per cent to compensate for the ongoing problem created by the massive interest bill; we have to see expenditure sliced by that amount; we have to see borrowings increase to cater for the loss—that, of course, is the option that the Government has chosen with a 50 per cent increase in borrowings in this current financial year—or we must have a combination of all three.

I looked under that thimble and discovered a monster. If we look under the other thimbles we will discover some other monsters. We can look at SGIC and put that in perspective. For example, 333 Collins Street, even though it is 45 per cent let, is being let on such extravagant terms, because of the 30 per cent vacancy rate in the Melbourne CBD, that some tenants are accepting seven years rent free, in effect, for a 10-year lease. If one bundles up the rent free element and the fitting out element, it effectively involves seven years out of 10. That has even shocked the normally unshockable Attorney-General. The fact is that SGIC, which owns a $460 million building at 333 Collins Street, is absorbing a $1 million a week interest bill—$50 million a year—for a minuscule $6 million or $7 million rental income stream. Putting it in perspective, we are talking of SGIC, in the order of things, just on 333 Collins Street alone, representing about a quarter of the magnitude of the problem of the State Bank. This is not small bickies. It is still a relatively big monster under that particular thimble labelled SGIC.

The third thimble that we can talk about, which fortunately is not an ongoing problem like the interest bill on the State Bank and the interest bill on the SGIC, which is being copped ultimately by the innocent taxpayers of South Australia, is Scrimber. Fortunately, that is a one off problem—it is only $60 million. We have lost that once, but we will probably not get it back again.

There is no wonder that we find, somewhat ruefully, in the second reading explanation of the Supply Bill, that things are not travelling all that smoothly in John Bannon's South Australia. Certainly expenditure is on track, but revenue is clearly down. Why is revenue clearly down? Again, one does not have to be numerate to read the figures and see that the ANZ monthly indicators on job vacancies show that South Australia fell out of the sky in February with a 25 per cent decline in advertisements for jobs—the highest rate of any State in Australia by far. We see unemployment at 11.5 per cent—1 per cent higher than the national average—with 15 to 19-year-old unemployment representing an unbelievable and cruelly high figure of 41 per cent with two out of five 15 to 19-year-olds unemployed. When we take out of the 15 to 19-year-olds cohort the number of school children who are going back for a repeat of year 12 or doing year 12 after year 11, having perhaps previously intended to leave after that time, one can imagine what the real figure might be.

In John Bannon's South Australia we reel from the highest WorkCover premiums in the land, from the highest FID rate in the land and from land tax which is extraordinarily high. The Valuer-General, one would suspect, has perhaps not fully realised the extraordinary slump in real estate asset values over the past 12 months to the point that land tax collections are remaining static in money terms this year, although, without doubt, there has been a 25 to 30 per cent fall in real estate values over the past two years. Why have land tax collections remained at the same level? It is because the Government sneakily whizzed through an increase on any rateable land in excess of $1 million, so effectively there could be an increase of about $13 million to $21 million on site value for rating purposes.

This is John Bannon's South Australia. To put in perspective this aura that somehow surrounds the Premier—that he is economic literate and financially skillful—let me put on record that my view is that the Premier of South Australia is an economic wimp because, of all States in Australia, Labor and Liberal Premiers included, John Bannon's economic leadership has been deplorable. He has not grasped the opportunities, he has not recognised the economic reality and he has not seized the opportunity to take advantage of a shift in economic thinking which is all around him in States both Labor and Liberal.

In Queensland we see private power stations and private prisons. In New South Wales we see the sale of the GIO and the State Bank of New South Wales, and private prisons. In Victoria, under left winger Joan Kirner, we have seen the sale of the State Bank of Victoria, admittedly under duress, because it was in a state of collapse. We have seen a 40 per cent sell off of Loy Yang B power station, and there is the proposed sale of the State Government Insurance Office. Of course, there is just $1 billion worth of forests up for sale as well.

In Western Australia we see a $2 billion private power station being proposed by the Labor Government and other

privatisation proposals, including the partial privatisation of their State Bank equivalent and SGIO.

But, in South Australia, Premier Bannon has looked at all these economic moves and blinked. He does not recognise that the Government has no place in business; nor does he recognise that, in this extraordinary trail of disasters such as State Bank, SGIC and Scrimber, the Government has demonstrated yet again that it is not very good at picking winners. Of course, this is reflected in the condition of the State budget. There is no doubt that, when the budget finally comes in for the financial year 1991-92, it will be short in the order of $80 million. On top of that, with the ongoing problems with the State Bank and SGIC, other vehicles of Government have become milking cows. Look at the extraordinary example of the Electricity Trust of South Australia, which is being milked dry at the expense of the consumers who are paying more for electricity than they should be, because the Government is bleeding every possible cent it can from the trust.

It has all been said before, and it might be tedious to members opposite but, sorrowfully, it is true, and the real losers are the taxpayers of South Australia. But, fortunately, they are voters in South Australia who will pass their judgment of this Government at the next election. I have no doubt whatsoever what that result will be.

The Hon. PETER DUNN: In supporting this Supply Bill I wish to bring to the attention of the Council a problem that recently arose in my area, where I have a feeling that there has been an instruction from Treasury to get as much money from the public as possible, and any method is being used. The matter concerns the sale of property and the collection of stamp duty. Three or four weeks ago there was a case in my area where three properties were sold at auction. Two of the properties reached the approximate valuations that were put on them by the Lands Department, and the third property reached a lower valuation. That happens wherever you go, whether you are buying sheep, cattle or land at auction; the same thing applies. But in this case the Lands Department would not accept the valuation, because the properties were set up and sold by the father of a man who bought the property that reached a lower valuation. But it was an open auction held at Warramboo and was attended by about 100 people. Any one person could have put up their finger and bid for those properties.

The sale was run by Dalgety Bennetts Farmers, was auctioned by Alan Whitaker, and it was as straight as you would get an auction. However, the Commissioner of Stamps wishes to claim stamp duty on the property to the value of $160 000, when it sold at auction for $110 000, because the Lands Department, from which it gets its valuation, valued the property at $181 000. I will read to the Council a letter dated 9 March 1992, to the Commissioner of Stamps from Mr Chris Colmer, as follows:

> Re Property: Section 43 Hundred of Ulyerra
>
> I advise that the above property was sold at public auction by Dalgety Bennetts Farmers on 12 February 1992. Dalgety Bennetts Farmers acted for the vendor solely and advertised the property for sale to the public at large in the usual manner.
>
> On the day of the auction bids were called for from the public at large, and the hammer fell to the highest bidder at $110 000. A contract was subsequently drawn up by Dalgety Bennetts Farmers and an arm's length transaction was entered into.
>
> Based on the aforementioned facts I submit the true value of the land to be $110 000 and object to the value of $160 000 placed on the property by the Valuer-General.
>
> It is true that the successful purchaser is related to the vendor, but at all times this auction was conducted as a *bona fide* arm's length transaction. The sale price reflects the drop in value to the Valuer-General's assessed values for rural properties on Eyre Peninsula.

That letter demonstrates exactly what is happening. The Commissioner of Stamps wants his piece of flesh on a value of $160 000 as opposed to its true value, established at open auction, where there was more than one bid, at $110 000. The effect of that is to increase the stamp duty by $2 000, and that comes about because the person purchasing the property is eligible for a first home concession amounting to about $80 000. The Valuer-General would have you believe that the stamp duty payable on $160 000 is $5 230, and the concession for a first home purchase is $2 130, so the purchaser would be eligible for stamp duty of $3 100. However, I maintain that the true stamp duty should have been $1 100, because the stamp duty on $110 000—the amount the property made at auction—was $3 230 minus $2 130 for the first home concession, making a value of $1 100. So, the stamp duty should have been $1 100, not $3 100, but that is not the issue: the issue is that the value at auction was not taken.

When I challenged the Lands Department, it said that it would not alter it. It was quite adamant that that was the value, that it was $160 000 and that, because the parties were related, they would accept only $160 000 as the value. I pointed out that it was an auction, that there had been some disagreement within the family, and that it was put to auction for the very reason that a price could not be agreed on between father and sons; it was therefore put to auction for that purpose.

I have no disagreement with the Lands Department establishing a figure of $160 000 on the properties for the striking of council or water rates or for any other rating purpose. I have no argument about that but, when it goes to auction and makes less than their valuation, it looks to me as though they are saying that Dalgety Bennetts Farmers and Mr Alan Whitaker are not running straight auctions. However, I can assure you that that is all they do. They would not be in the business, and they have been in it for many years. I have known Mr Whitaker for more than 30 years, and I know that he is as straight as a die, and in no way would he run a crooked auction. That was the value.

When I asked the person at the Lands Department what would have happened if the value had been $250 000, he said they would have had to pay tax on it, so my argument is they cannot have it both ways. They have either to accept that the value of the land purchased is $110 000 or not accept it at all and, in my opinion, if they accept that auction price, the purchaser is liable only for the stamp duty on the purchase. The fact is that I think an instruction has been given by Treasury to the Lands Department to the effect that they get as much stamp duty as they can from these properties. I say that because, having done a little interview on the radio about it, several people have telephoned me and said they have had related-parties transactions; that they have had two individual valuers value their properties; and that they have not been accepted by the Lands Department as the true valuations.

In one case there was a valuation of $500 an acre for a property in the Mid North but the Lands Department would not accept less than $600. Subsequent auction sales in the area have been lower than $500 per acre, so the Lands Department was wrong when it demanded stamp duty on $600 per acre on that property. Another property on Eyre Peninsula sold for a smaller sum, where two brothers transacted a property, as one had become financially unviable and he sold a portion of his property to his brother. A licensed valuer came in and gave a valuation. It was not accepted by the Lands Department, so that person had to pay stamp duty on the Lands Department valuation. Subsequent auction sales have proved that he paid more than

double the stamp duty for which he would have been liable had he put it to auction but, because the Lands Department deemed it to be a related parties deal, he had to pay the higher amount.

The problem that has arisen because of this is that there is not time to mount a case or, if you do, it is very expensive and quite often more expensive to employ a solicitor or obtain legal advice than it is to pay the fine. The department has people over a barrel. Every person that I have spoken to has mentioned that they were not able to mount a case. It is usually a small amount rather than a huge sum of money. The department ought to look carefully at its valuations, particularly where an auction has been held. If it is an open and clean auction where the price is clearly what the public have deemed it to be. The auction next week in the Warramboo area may determine that the farm next door to the one sold for $110 000 will also go for that figure, on an area basis.

In its desperation for money the Government is now trying to squeeze every cent out of those farmers who cannot afford it at the moment. They have been on their knees with the high interest rates, caused mostly by the Federal Government, and the State Government ought not to be part and parcel of that by getting its sticky fingers into the farmers' pockets. It is hard enough out there to exist and make a living without a bureaucrat—who probably does not even own his own home—determining the value of properties and putting false values on them so that they can get more tax in the form of stamp duty from the farmers.

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

ROAD TRAFFIC (PRESCRIBED VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 3049.)

The Hon. DIANA LAIDLAW: This Bill arises from the Federal Government's 10-point black spot road safety package. It was part of a non-negotiable deal upon which the Federal Government insisted prior to the last Federal election and which has been the subject of considerable controversy across all States and territories since that time. Part of that package, as honourable members will recall, was the legislation to introduce the .05 blood alcohol limit for general road users other than people on P plates or learner plates. We also debated the issue of compulsory bicycle helmets and the 100 km/h speed limit for heavy vehicles.

This Bill—part of the 10-point black spot funding package—provides that drivers of heavy vehicles, public transport vehicles, including taxi cabs and vehicles carrying dangerous substances, be subjected to a zero blood alcohol limit. At present the prescribed limit is a zero concentration of alcohol in the blood for an unlicensed or an inappropriately licensed driver and .05 grams per 100 millilitres of blood for any other driver.

The second reading explanation notes that due to current technology the effective enforcement of the zero limit will be set at .02 grams per 100 millilitres and not zero as stated in the Bill. This matter is one on which I want answers from the Minister, as I understand that in New South Wales the Government and the Opposition have agreed to set in legislation the limit at .02 and not zero, because they strongly believe that the law should reflect what will apply in practice.

In Victoria the limit has been set at zero. This State has decided that it be set at zero but that effectively it will operate at a higher level. It is important to learn from the Government why it has not followed the New South Wales example, particularly as it is meant to be uniform legislation, and set the limit at .02 to be the enforceable limit as set by the police.

Various queries have been raised in respect of this legislation. The Hire Car Association is very keen to have clarification on the operation of the Bill. I was pleased to note that, when the Hire Car Association's questions were raised in another place by the member for Morphett, the Minister provided some satisfactory answers. The Hire Car Association's concerns related to the definition of 'prescribed vehicle' which, in part, provides, 'a vehicle that is being used for the purpose of carrying passengers for hire'. The Hire Car Association was concerned about the term 'that is being used', as it considered that their vehicles, which can be used for hire but at other times for family purposes, would at all times attract the .02 limit under the definition of 'prescribed vehicle', even when the vehicle was not being used for hire or for the purpose of carrying passengers for hire. The Minister has confirmed that that is not the case.

We are due to adjourn shortly for the dinner break following which the Minister may be able to provide an answer for me as regards a query I received a few days ago. A driver with a heavy vehicle licence was concerned about whether, if he was picked up for drink driving with effectively above the .02 limit when driving a heavy vehicle, he would lose his licence for driving all other vehicles, for example, his private car. My understanding is that that would be the case, but I seek clarification from the Minister. The constituents' concerns echo the concerns of the Country Carriers Association of South Australia which believes it is quite discriminatory to suggest that the zero limit should apply to drivers of heavy vehicles and not to drivers of all other vehicles.

They have argued to me that if zero is good enough for the driver of a heavy vehicle, that should be the level for all drivers of vehicles on our public roads. The argument has some merit, but it is not a position that the Liberal Party holds at this time. As I indicated earlier, we are debating a measure that is part of the Federal Government's 10-point black spot program, and part of the conditions for extra road funding for this State for black spots was to introduce this zero blood alcohol level for drivers of heavy vehicles, including public transport, taxi-cabs and the like.

So, I would appreciate answers from the Minister to that query with respect to a driver of a heavy vehicle being picked up with more than a zero blood alcohol level and whether they would be able to keep their licence for other general driving purposes and also as to why the Government has not sought to adopt the New South Wales legislative measure of introducing the blood alcohol limit for drivers of heavy vehicles at .02 and not at zero. The Liberal Party supports the second reading of this Bill.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I thank the honourable member for her contribution. I suggest that her concerns could be responded to in Committee, which will occur after the dinner adjournment.

Bill read a second time.

[*Sitting suspended from 6.1 to 7.45 p.m.*]

In Committee.

Clause 1—'Short title.'

The Hon. DIANA LAIDLAW: During the second reading stage I asked the Minister a number of questions. I under-

stand that she can now provide the answers to those questions.

The Hon. ANNE LEVY: During the second reading stage the Hon. Miss Laidlaw asked a couple of questions and I am now happy to provide some explanation. The first question dealt with the zero concentration of alcohol in the blood versus perhaps using a .02 limit. The zero blood alcohol concentration exists in South Australian law in relation to a learner's or probationary driver's licence. This has been operating satisfactorily for several years and it is that which has formed the basis for this legislation.

We need to realise that all instruments require some level of tolerance. As a Government we would be concerned that if .02 blood alcohol concentration were set in legislation the practical effect of that would be to add an instrument tolerance that would have the effect of raising the prescribed level of blood alcohol concentration to about .03. We feel that that is not desirable and it is not the intent of the legislation. One needs to take the instrument tolerance into account. Certainly, the situation will be monitored and such monitoring will include a comparison with the limits in New South Wales so that the situation can be reviewed at a later time in the light of experience.

Secondly, the Hon. Miss Laidlaw raised the question of hire cars and private use of these vehicles. We note that the Hire Car Association is very keen to have a vehicle that is being used for the purpose of carrying passengers for hire very carefully defined. A 'prescribed vehicle' means a vehicle that is being used for the purpose of carrying passengers for hire, not one which can be used but one that which is being used for the purpose of carrying passengers for hire. That is the present wording in the legislation. Legal advice supports the view that the Bill as currently written requires that the driver have a zero blood alcohol concentration only when the vehicle is carrying passengers for hire. In other situations the limit will not be applied, as the vehicle will not be being used as a hire car as defined in the Bill. The definition in the Bill has been very carefully considered so that it does not have application beyond what is intended.

The Hon. DIANA LAIDLAW: I asked a further question relating to a driver of a heavy vehicle who may be picked up for having a blood alcohol level above zero. My question related to whether that would influence that person's capacity to drive any other type of vehicle.

The Hon. ANNE LEVY: As I understand it, if the driver of a heavy vehicle is detected with a blood alcohol concentration he does not automatically lose his licence; he has a penalty applied in the form of a fine. Of course, if there are repeated offences the driver will accumulate demerit points. When the total demerit points reach a certain level the driver will lose his licence, to drive any vehicle, not just the heavy vehicle. However, that situation arises only after a series of demerit points has built up in the same way as applies to any driver of a family car who accumulates dermerit points as a result of committing offences until a particular limit is reached. The licence is then lost for a certain period of time, regardless of whatever vehicle was being driven at the time the demerit points were earnt.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES (CHILD PORNOGRAPHY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 3101.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill. It seeks to amend section 33 of the Summary Offences Act, which deals with the publication of indecent matter. The Bill seeks to prohibit the possession of child pornography, making it an offence punishable by imprisonment for a year or a $4 000 fine. In addition, a person who produces, sells or exhibits child pornography may be imprisoned for two years for a first offence and four years for a second or subsequent offence.

The provisions of the Bill follow the recommendations of the Australian Law Reform Commission in its report number 65, dealing with censorship procedure. That report concludes that child pornography is likely to involve child sexual abuse and is often associated with child sex offenders and, because of that, there ought to be specific legislative provisions dealing with that subject. The Attorney-General, in his second reading explanation, says that the offence of production, sale or exhibition of child pornography is regarded as the first link in the chain of sexual exploitation of children and is often done for commercial gain and, therefore, must be the subject of tough penalties. That is a view that the Opposition shares.

We believe that every step ought to be taken to stamp out the production, sale and supply of child pornography, and anything that might lead to children being involved in this pernicious activity. It is appropriate in the context of the consideration of this Bill to reflect for a few minutes on the issue of pornography. I was pleased that this afternoon the Hon. Carolyn Pickles raised the issue of the display on the front cover of a recent *People* magazine. I am not sure that I agree with the sanction that she is proposing, namely, to have the various Australian Consolidated Press magazines of a more serious nature banned from the Parliamentary Library, but it is important to examine that issue.

That issue demonstrates that South Australia does not act quickly enough and is unable to act quickly enough under the current scheme of censorship in Australia to be able to deal with matters that give offence locally. Whilst the trend toward uniformity in a whole range of areas is acknowledged, one must recognise that different standards apply in some areas of daily living between the various States of Australia. It is important for that reason for us to have some flexibility as a State to be able to reflect the concerns of South Australians about issues such as pornography, rather than having to refer them all to the Chief Censor in Canberra or Sydney.

That is what happened with that edition of *People* magazine: there were a number of complaints about its display on newspaper stands, in delicatessens and in newsagencies, but it had not been classified. It took a week for the Chief Film Censor to act and to classify it category 2. In the meantime, those who were displaying the magazine were somewhat bemused by the fact that the publisher had not sought classification in accordance with the Classification of Publications Act and corresponding laws interstate and, therefore, believed that they were displaying that material legally.

But it is not just *People* magazine that causes concern. There are many occassions when my attention and that of other members on both sides of the Council is drawn to the display on newspaper stands, in newsagents, shops and delicatessens, where children, particularly, can see them, of material which only a few years ago would have been classified category 1 or category 2 but which now is readily accessible and within view in public places as well as in shops and distributors.

Since the development of the cooperative scheme about four years ago, which enabled all classifications of films, videos and print publications to be made by the Chief Censor and thus become the classifications for the purpose of South Australian law, it seems to me and to many others who have raised the issue with me that standards have changed and that there is much more latitude allowed now about the sort of material that might be displayed publicly than there was when South Australia accepted the responsibility through its own Classification of Publications Board for classification of material that might be pornographic.

Although the State Classification of Publications Act sets the categories and conditions that apply to categories for printed material and the classifications for film and video material, those classifications are largely made by the Chief Censor. What disappoints me is that, although the Attorney-General has power to make his views known to the State Classification of Publications Board, it seems that he has abdicated that responsibility to the Chief Commonwealth Censor and that the State board is largely inactive, perhaps reading the classifications that are transmitted from Sydney but not doing anything on its own initiative to check that those standards are appropriate for South Australia.

I recognise that if there is a different classification put on a magazine, for example, in South Australia than that put on it in New South Wales, that might create some hiccups for the distributors and publishers, but I do not think that that matters too much in the context of this sort of material. I should like to see the standards tightened, not just for print material but for videos and films, and the South Australian institutions that have responsibility under State law take a more active role in monitoring the classifications that are made and, on occasions where it appears necessary, to override the classifications imposed by the Chief Commonwealth Censor which become classifications for the purpose of South Australian law. There is a concern with what appear to have been more lenient standards being approved by the Chief Censor.

It may be that after community debate the majority of those standards would be accepted, but from the number of people who make complaints to me and, I suspect, to my colleagues on both sides of the Council, this is not an issue that will go away and there is growing concern about the availability of this material—not just sexually pornographic material but material that is violent and in other ways within that description of 'pornographic, indecent or offensive'.

I was pleased that the Hon. Carolyn Pickles raised that issue, and I hope that the Attorney-General will also examine it. Incidentally, I do not support the activities of that group which goes around smashing windows of newsagents or other shops where this material is displayed. I do not believe that is an appropriate way to change the law. In fact, it causes considerable hardship and concern and sets a very bad example for the rest of the community that individual citizens can take the law into their own hands and administer what they believe to be rough justice.

There are aspects about the Bill that I want the Attorney-General to consider, and it is important to raise them now to give him an opportunity to do so over the next day or so. I had an Adelaide QC look at the Bill, and the view that was expressed to me was that there is a problem in the definition of 'child pornography' and in the relationship of that definition to the other provisions of the principal Act. The only reason that I can see that there is a definition of 'child pornography' essentially is because of the possession offence—a new offence—which is created in clause 2 *(c)*. We have no difficulty with that at all. In all other respects, the penalty provisions in the principal Act seem to pick up the emphasis of the child pornography definition.

I should like to draw attention to several aspects of that definition. 'Child pornography' is defined to mean 'indecent or offensive material'. Pausing there, the definition of 'indecent material' in section 33 of the principal Act is 'material of which the subject matter is in whole or in part of an indecent, immoral or obscene nature'. 'Offensive material' is defined to mean 'material of which the subject matter is or includes violence or cruelty, the manufacture, acquisition, supply or use of instruments of violence or cruelty, the manufacture, acquisition, supply, administration or use of drugs, instruction in crime or revolting or abhorrent phenomena and which, if generally disseminated, would cause serious and general offence against reasonable adult members of the community'. So 'child pornography' means that sort of material and continues 'in which a child (whether engaged in sexual activity or not) is depicted or described'.

I think that probably the definition is satisfactory to that point, but it goes on to qualify the definition that it 'is to be depicted or described in a way that is likely to cause offence to reasonable adult members of the community'. Not only does that tend to suggest that it must be indecent or offensive material—and the definition of 'offensive material' already carries that qualification, whereas 'indecent material' does not—but also it adds a qualification which, in the context of section 33, is not appropriate and may result in argument in court which would allow some disagreement as to what is really meant by that definition of 'child pornography' and its application to individuals who might be alleged to have been guilty of an offence.

The point that has been made to me—and I think there is merit in it—is that that definition should be in one form or another; that is, it should mean indecent or offensive material in which a child (whether engaged in sexual activity or not) is depicted or described; or it should mean material whose contents contain a reference to or a depiction of a child where the context of that reference or depiction is such that the material is likely to cause offence. That is very much broader than limiting it to indecent or offensive material.

It is possible that material might not be indecent or offensive if there were no child in it, but which, with the child as a bystander being depicted or represented in the material, makes the material indecent or offensive and thus child pornography. I invite the Attorney-General to consider whether the definition is appropriately framed or whether there is in the definition an additional qualification which might create problems affecting the likely success of a prosecution.

The other aspect relating to the definition is that it would seem that there needs to be a definition of the relationship between the child and the material which is in itself offensive. I think that is a genuine point which needs to be focused upon.

I raise one other matter which is already in the principal Act but which, in the light of the reference to child pornography specifically, ought now to be considered. 'Child' is defined as a person under or apparently under the age of 16 years. Therefore, child pornography would obviously relate to some indecent or offensive material in which a child (that is, a person under or apparently under the age of 16 years) is depicted or described.

Subsection (2) contains several paragraphs which relate to the involvement of minors. Subsection (2) provides that 'a person who . . . *(f)* delivers or exhibits indecent or offensive material to a minor other than a minor of whom the person is a parent or guardian; *(g)* being a parent or guardian

of a minor causes or permits the minor to deliver or exhibit indecent or offensive material to another person is guilty of an offence.'

A minor in that context is a person who is under the age of 18 years. It seems to me that if we are to develop the concept of child pornography we ought to have some consistency in the definitions. If it is inappropriate for a person of 17 years of age to receive indecent or offensive material or if it is undesirable for a minor (that is, a person who might be 17) to deliver or exhibit indecent or offensive material to another person, then it ought equally to be offensive for a 17-year-old to be depicted in pornography as proposed in the Bill. I am suggesting that there ought to be consistency. My own preference is to provide for a child to be a person under or apparently under the age of 18 years, which would make that consistent with section 33 (2) *(f)* and *(g)* of the principal Act.

Apart from those two matters, which I think are important, I indicate that the Opposition supports the general thrust of the Bill. We believe that it is appropriate to provide an offence for possession, but we want to ensure that, in defining child pornography, it is broad enough and clear enough to cover material which is indecent or offensive to reasonable adult members of the community and which creates no ambiguity in what is likely to be the basis for a prosecution. Therefore, I indicate support for the second reading.

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

SUBORDINATE LEGISLATION (EXPIRY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 3102.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. It follows a question I asked recently about this matter, and I congratulate the Attorney-General for introducing the Bill. In 1987 the principal Act was amended to provide for the expiry of regulations every seven years with a sliding scale of expiry for the then existing regulations. This was a measure of deregulation designed to prevent a build-up of archaic and obsolete regulations, as had happened in the past. At that time a list of those regulations was prepared, and there were certainly many regulations—a lot of them in the area of agriculture—which had been around for a long time, did not really do anything, and no-one took any notice of them.

The program was based on a Queensland model and has been adopted by most States. The Act provided that regulations could be excepted from expiry by regulation. The former Joint Committee on Subordinate Legislation became alarmed at the number of regulations that were excepted by regulation and, in effect, they were excepted forever rather than for a specific period, which there was no power to do. One of the things that this Bill does is postpone the expiry instead of excepting the regulation, so that there is a postponement of expiry for a specific period of two years. The present position is that, if a regulation is excepted by regulation, it does not go back into the expiration program and is therefore, in effect, exempted forever, which I am sure was never really intended by this place, the Government, the Opposition or anyone.

When the committee wrote to the Attorney-General he responded, acknowledging the problems and undertaking to set up a review. The review reported in September 1991, and the Bill is in accordance with the recommendations. As an example of the problem, the review set out that 77 sets of regulations were due to expire on 1 January 1991. Of those, 36, or almost half, were exempted. That really makes a nonsense of the whole procedure, and the review, a copy of which the Attorney-General was courteous enough to provide to me following the question I asked, commented:

> The number of exemptions required overall may be such as to cast doubts upon the efficacy of the whole scheme.

The Bill provides for, first, the exemption of regulations not made by the Governor. This is reasonable. These are technical, internal regulations, and new or amending regulations are still subject to disallowance and the scrutiny of the Legislative Review Committee. That takes over that part of the role of the old Subordinate Legislation Committee.

Secondly, the Bill provides for a more realistic form of the catch-up program for, or the expiry of, existing regulations in the light of experience. This provision has the effect of bringing back into the system regulations which have already been exempted. I think it is most desirable that those regulations which, as I have said, had been exempted forever, now, in effect, come back into the system. Thirdly, the Bill provides for a 10-year expiry period rather than seven years. It may seem that this is a watering-down of the deregulation program, but I do not believe that it is. Departments have had problems in complying with the seven-year period. The seven-year period was arbitrary. It was something new; it was not known how long was practical, seven years was used, and I think that was the period used in Queensland. Having a more achievable review period would lessen the need for exemption. I pointed out that it is undesirable that there be a lot of exemptions, and that was readily accepted by the Attorney-General. If the 10-year period will make that less likely to happen, a seven-year period is to be supported.

Fourthly, the Bill sets a common expiry date on 1 September following the 10th anniversary of the making of the regulation instead of the actual date on which it expires. I suppose it is a bit like making all racehorses have their birthday on the same day, but that seems to be practical, and I support it. Fifthly, the Bill provides for a postponement of expiry by regulation in lieu of the permanent expiry to which the committee objected. That refers to the Subordinate Legislation Committee, as it then was. The postponement is now for two years and may be extended for further periods of two years at a time.

The review suggested that a limit on the number of extensions may need to be considered, and I believe that this ought to be raised at this stage. I suppose it could be said that this is not necessary. It could be said that the postponement is for two years and, if the committee or the Parliament is upset about this, it can disallow the regulation which provides for the expiry, and it could disallow it when it came up again, if that was not successful. The review suggested that it might be desirable to consider a limit on the number of extensions, and when the Attorney-General replies I will ask whether he considers that it may be desirable to impose a limit on the number of expiries, for example, two or three of them. That would seem to be adequate, but I just raise that question with him. Sixthly, the Bill provides a clarifying provision for the expiry of regulations if a postponing regulation is disallowed. That was not clear before, and I support it.

I refer to a document entitled 'Regulation Review Procedures', effective from 1 July 1987; which was when the expiry procedure was first introduced by amendment to the

parent Act. The document states that it was issued by the Attorney-General under Cabinet authority. At page 6, reference is made to regulatory impact statements as follows:

6.1 Cabinet has also approved the use of 'Regulatory Impact Statements" when the responsible Minister, and the Attorney-General (on the advice of the Government Adviser on Deregulation as a result of the green paper process), agree that the impact of proposed regulation or deregulation is likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

6.2 It is to be hoped that, in most cases, the green paper process will adequately fulfil the need for consultation, and RIS will be the exception rather than the rule. However, even when an RIS is required, its preparation should not involve much more work than that already done in green paper preparation.

6.3 RIS should canvas—but in more detail—the issues contained in the green paper. A model example is attached as Appendix I.

6.4 The Government Adviser on Deregulation is required, as directed by the Attorney-General, to comment on RIS, in consultation with Treasury where necessary, and to assist the agency concerned to ensure that matters are adequately canvassed. The responsible Minister or Cabinet will then decide whether an RIS is to be released for public comment.

As far as I can see, the RIS has never escaped captivity. I have never seen one and one has never come to the notice of the former Subordinate Legislation Committee nor, in its short time, has it come to the notice of the Legislative Review Committee—and nor have the green and white papers referred to on page 5 of the document.

The Hon. C.J. Sumner: There have been a lot of green papers.

The Hon. J.C. BURDETT: One has never come to the notice of the committee and one has never come to my notice—and the RISs certainly have not. To repeat the last sentence that I read:

The responsible Minister or Cabinet will then decide whether an RIS is to be released for public comment.

I am not aware of that happening. At page 8 of the document it states:

10.2 All Cabinet submissions should include the green paper prepared on the regulatory or deregulatory proposal, and should indicate (if the green paper does not do so) the consideration that has been given to the factors outlined in the prior assessment process.

10.3 The Cabinet submission should also include the Regulatory Impact Statement, if one has been prepared, and should indicate the nature, extent and results of any investigation or public consultation.

My question to the Attorney-General in this regard is whether this procedure, as set out in the document to which I have referred, is still followed and, if so, what is his attitude to the Legislative Review Committtee having access to the green and white papers and the regulatory impact statements? For the reasons I have outlined I certainly support the Bill which, in the main, rectifies a problem that there has been in the past with regard to the expiry of regulations and the exemption from expiry. I support the second reading of the Bill.

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

STATUTES REPEAL (EGG INDUSTRY) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill provides for the repeal of the Marketing of Eggs Act 1941 and the Egg Industry Stabilisation Act 1973.

In September 1991 the Minister of Agriculture made a statement to Parliament stressing the need for change to the current marketing arrangements for eggs. This need arose following the deregulation of the egg industry in New South Wales and which has resulted in eggs from New South Wales being sold in South Australia.

He also stated that he had initiated negotiations with the egg industry regarding the transfer of the South Australian Egg Board's grading and pulping facilities to the industry and that it would be desirable if the transfer could be completed before the industry was deregulated.

Since that statement, the egg marketing situation has developed much as predicted. The Board is convinced that interstate eggs are entering the South Australian market on a regular basis and this is disrupting the Board's production planning and rendering the quota legislation ineffective as a means of controlling egg supplies. These developments place the Board and South Australian egg producers in an invidious position. The Board is required by the legislation to maintain hen quotas which are ineffective for controlling egg supplies and also limit the commercial opportunities for producers in South Australia. The Government considers that it is no longer possible to sustain the existing legislation if South Australia is to continue to have a competitive egg industry.

The Egg Board is also facing financial difficulties because its ability to operate in an increasingly competitive market is constrained by the legislation. Under the provisions of the Marketing of Eggs Act 1941 all eggs from commercial farms are vested in the Board which has to accept the eggs whether it has a market for them or not.

The Board currently supplies about 40 per cent of the egg market in South Australia and is the major supplier to the larger retailers. The Government recognises the importance of the central grading and packing facilities run by the Board, particularly for small producers who do not market their eggs direct to retailers. The major supermarkets require large numbers of eggs of uniform quality. This demand is currently being met by the facilities run by the Board with producer agents catering for smaller retail outlets and their local markets. This is an effective marketing arrangement which reduced the interval between the farm and consumers.

Disruption to production controls coupled with the competition from interstate eggs has had two major effects, firstly it has resulted in the Board having to accept surplus eggs which have to be pulped, cold stored and sold at a loss and secondly egg prices have been forced down reducing the Board's income on sales to retail outlets.

Faced with the situation where its costs are rising and its income falling the Board has had to resort to either raising levies or reducing farm gate prices in order to remain viable. Both of these measures increase the financial burden on egg producers. Farmgate prices have already been reduced by 20c a dozen since July 1991 and producers are paying higher levies which are now equivalent to 24c a dozen compared to about 15c a dozen in July of last year.

A number of producers are already in financial difficulties and are not paying their levies. Further moves by the Board to reduce prices or raise levies will simply add to the difficulties faced by these producers. In fact some producers are now questioning whether the continuation of the legislation offers them any advantages at all. Hen quotas place restrictions on the numbers of hens they can keep and production costs are higher as a result, because overheads must be offset against a declining production base. Current quota utilisation rates mean that all producers are now operating their farms at about two-thirds of their productive capacity over the whole year which, by any standards, is an inefficient use of resources.

The Board predicts that the competition from interstate eggs will further erode markets for South Australian eggs and force prices down further.

The Government has made every effort to support the Board and hence the industry through the current difficulties. $2.9 million has been loaned to the Board to support the egg grading, pulping activities but the Board is currently running at a loss and will continue to do so in the future. The only options are for the Government to provide more money or for the Board to increase the burden on producers by raising levies or reducing prices. In view of the fact that the market situation is unlikely to improve, the Government finds both of these options to be unacceptable and has decided that the only course is to deregulate the industry as soon as possible.

Government cannot allow the SAEB and its activities to be a drain on taxpayers.

The repeal of both Acts will mean that egg marketing and production will be deregulated and egg packers and producers will be free to market their eggs where they wish and to negotiate prices. Producers will face no restrictions on the numbers of hens they can keep. Producers facing financial difficulties will be able to apply for assistance measures under Part C of the Rural Adjustment Scheme.

Producers will no longer have to pay levies to the Board which means that a farmer with 2 500 hens will benefit from a saving of $500 and a farmer with 30 000 hens $6 000 each fortnight.

The negotiations with industry have resulted in an agreement for the sale of Board assets to the industry's South Australian Egg Co-operative Limited. This will ensure that producers continue to have access to egg grading and pulping facilities and the co-operative will have the flexibility to operate in a commercial environment unfettered by current egg production and marketing controls. The directors of the South Australian Egg Co-operative Limited have indicated that they wish to take over the Board assets on 27 March 1992 provided the industry is deregulated and Co-operative is not restricted by current regulations. Proclamation of the Act on 27 March 1992 will enable this to occur. Any Board assets not transferred to the industry co-operative at that time will be vested in the Minister and disposed of appropriately.

Egg quality controls are already substantially carried out by industry. This will continue after deregulation but consumer interests will be safeguarded by regulations administered by the South Australian Health Commission which, among other things, prohibit the sale of dirty, contaminated or cracked eggs. In July 1990 a formal agreement was signed at the Special Premiers Conference committing the States to the adoption of national food standards. The National Food Authority, at the request of Australian Agricultural Council, is currently investigating other aspects of egg quality which may need to be covered by regulation. The National Food Authority will make recommendations on these matters and if these recommendations are adopted by the National Food Standards Council the national food standards will be amended and will apply in South Australia.

Egg packaging regulations will be administered by the Department of Public and Consumer Affairs under the Packages Act 1967 and eventually under nationally uniform Trade Measurement legislation.

It is probable that most of the current Board employees will find employment with the new industry co-operative but failing that, arrangements have been made to offer all employees either redeployment in the public service or retrenchment packages. This arrangement has been negotiated with the staff and the unions concerned. The staff currently employed by the Board are all anxious that the grading activities continue as a support to the industry and are naturally also concerned about their future employment. The transition from regulated to deregulated market as soon as possible is the best course to ensure the concerns are addressed.

The Bill embodies the approach foreshadowed in September 1991 and is the culmination of a process set in train by the Government in 1986 when, recognising the inevitability of deregulation and the need to provide the industry with the opportunity to move towards deregulation gradually, the Government introduced legislation to partially deregulate the industry. Unfortunately that legislation was defeated in the Parliament.

Given however, the current situation in the industry it is vitally important that this Bill be passed otherwise the initiative in egg marketing will be lost to producers in other States while South Australian producers continue to be restricted by outdated legislation. If this legislation is not passed South Australia could lose its egg industry.

Clauses 1 and 2 are formal.

Clause 3 repeals both Acts and provides that the property, rights and liabilities of the Board and SAEG Limited vest in the Minister of Agriculture.

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

ADJOURNMENT

At 8.32 p.m. the Council adjourned until Wednesday 18 March at 2.15 p.m.