LEGISLATIVE COUNCIL

Tuesday 11 August 1992

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

PAPERS TABLED

The following papers were laid on the table:

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

Industrial Court and Commission of S.A.—Report, 1991-92.

Remuneration Tribunal—Reports relating to Determinations No. 2 and 5 of 1992.

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

Prevention of Cruelty to Animals Act 1985—Regulations—

Code of Practice.

Animals for Scientific Purposes.

Road Traffic Act 1961—Regulations—Traffic Prohibition—Port Augusta.

QUESTIONS

DEFAMATION DAMAGES

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

Leave granted.

The Hon. K.T. GRIFFIN: In the Adelaide Local Court on 24 July the Minister of Recreation and Sport was ordered to pay an Unley councillor, Mr Hudson, $5 000 in damages for defamation. The case arose out of a letter sent by the Minister as the member for Unley to Unley ratepayers in October 1990 and was not related to the discharge of his ministerial duties. In that case the Minister, as I understand it, was a counter-claimant. In finding against the Minister, Magistrate Kleinig stated that the Minister 'threw caution to the wind' and that he 'was reckless in his desire to clear the record'. I understand that the total amount of damages and legal costs incurred as a result of this action is more than $20 000. Therefore, my question to the Attorney-General is whether he can he give an assurance that the Government will not pay any portion of the damages and costs incurred by the member for Unley in this case, including the costs of any appeal?

The Hon. C.J. SUMNER: Yes.

FESTIVAL CENTRE CAR PARK

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about the Festival Centre car park.

Leave granted.

Members interjecting:

The Hon. DIANA LAIDLAW: Perhaps the honourable member opposite has not had to wade through the puddles in the car park in recent days—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —but certainly, following the rain on Saturday and again yesterday, the top storey of the Festival Centre car park was again awash. The plaza above is still leaking despite an expenditure of $11 million some two years ago to rectify the problem, and in recent days the Hon. Mr Roberts may not have complained but certainly a number of members have asked me what the hell is going on in respect of the expenditure and the leaking problem.

A number of patrons attending the State Opera's performance of the *Magic Flute* last Saturday night were not amused when forced to negotiate deep puddles of water in the car park. Some expressed regret to me that they had left their gumboots at home, and others said that they may seek compensation from the Festival Centre for water-logged shoes. I am advised that the Government recognises that further work is required to seal the leaks and that such work will commence 'when the leaves stop falling from the trees'.

I am not sure what the relationship is between the leaves and the leaks, but perhaps the Minister can explain. Also, when is further work to commence on the Festival Centre Plaza to seal these leaks; what is the additional anticipated cost of the work; and who will be responsible for these costs? I hope that the Festival Centre will not be responsible; perhaps it will be SACON as project manager, or the contractors involved in the earlier $11 million project.

The Hon. ANNE LEVY: I certainly share the concern of the honourable member regarding the endless puddles in the car park. I was one of those who waded through puddles, but I think on a rainy night most people wear shoes that can take a little water.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

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

The Hon. ANNE LEVY: On a wet night one is likely to encounter wet conditions in which one has to walk, whether it be from one's own front door to the car, or at other stages of one's journey. I am not sure of the arrangements. SACON is the project manager and the group that has been dealing with the contractors for the private firm that was contracted to do the work. I will take the matter up with the Festival Centre Trust, which may be able to provide more up-to-date information.

COMPUTER SYSTEMS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about computer systems in schools.

Leave granted.

The Hon. R.I. LUCAS: Last February in this Chamber I raised the question of the Education Department's decision to install an overseas-made computer system in

primary schools. Material at that time supplied to the Opposition showed that one Hills-based school had been provided with a $29 000 quote for the American-made Dynix System 23 library management system. The Opposition also obtained a copy of a quote for the Education Department-developed library management system, called Book Mark. That system could have been installed in that school for between $7 000 and $12 475. The Minister's answer to my question said in part:

. . . the Dynix library management system was selected by the Education Department . . . for South Australian school libraries from a tender called in 1986. The Department bought a software licence covering all its schools for $500 000 and recharged part of this cost to schools.

The book mark [sic] system, was developed after the tender was conducted. It was written to fill a market niche for schools of less than 200 students for which Dynix was seen as too expensive . . . It was subsequently bought by larger schools because of its attractive pricing and simplicity . . . The department supports and recommends both packages.

Subsequently, I received a letter from Dynix's General Manager, Mr David Malpas, who drew my attention to the fact that Dynix Australia Pty Ltd is now managed, owned and incorporated in South Australia. However, of more interest in Mr Malpas's letter was the penultimate paragraph referring to the cost of Dynix software which states:

. . . in the case of Dynix software the cost to the school is actually inflated because of Education Department policy. In 1986 the Education Department of South Australia purchased a Statewide unlimited licence for the Dynix library system software. The department since then has insisted on charging a high fee back to schools for them to acquire the software. Dynix has for years been lobbying the department to provide the software to schools either for free or at a nominal cost. The Dynix software has been paid in full.

My questions to the Minister are:

1. In view of Mr Malpas's letter, will the Minister explain why the Education Department continues, despite lobbying by Dynix, to charge schools a fee of between $1 500 to $9 000 to acquire Dynix's software when Mr Malpas claims such charging makes Dynix overly expensive and that 'Dynix software has been paid in full'.

2. Will the Minister detail the revenue it has recouped from the '97 departmental locations, which represent 120 schools and nine out of school locations' which have purchased Dynix software?

3. Does the Minister agree that the continued charging of schools for Dynix software imposes an unnecessary cost burden on schools' budgets and, if so, will he direct that the practice cease?

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

BEACH CHARGES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question about charges for the use of metropolitan beaches.

Leave granted.

The Hon. CAROLYN PICKLES: In the past week or two there have been a number of articles in the *Advertiser* and the *Sunday Mail* regarding the use of metropolitan beaches and a proposal to charge. In the *Advertiser* of 6 August it was stated that the Glenelg Mayor, Mr Brian Nadilo, said that his council would seriously consider the option of charging a fee to use the beach if the State Government withdrew funding for beach sand replenishment or coastal protection measures. Is the Minister aware of proposals that people should be charged to use Adelaide metropolitan beaches? Can the Minister indicate the origin of that proposal in detail?

The Hon. ANNE LEVY: I can provide the information that has been provided to me by the Minister for Environment and Planning. Recently, a discussion paper was prepared by the Coast Protection Act Review Committee, a review committee which included representatives of local government and State Government, and which has examined the whole question of coast protection management. It has produced this lengthy document, considering many issues involved in coast protection, but only once, under the heading 'Suggestions for Discussion', is the phrase included that 'councils should consider charges where practical to recover at least some of the costs of providing coastal facilities'. When I read that (and I am sure many other people thought this), my first thought was that this perhaps meant charging for car parking, but there is certainly no suggestion there that there should be charging for the use of or going on to a public beach, be it metropolitan or non-metropolitan. So, the suggestion that there should perhaps be charging for going on to a public beach came solely from the Mayor of Glenelg, Mr Brian Nadilo.

The Hon. K.T. Griffin: That suggestion is open to that interpretation.

The Hon. ANNE LEVY: I repeat: in that report there was no suggestion that there would be charging for going on to beaches. There is the suggestion that councils should perhaps consider charging for some of their facilities and, as I say, I immediately thought of car parks, and I am sure a lot of other people did likewise. However, this is only a discussion paper, which has been released for public discussion. It is 20 years since the Coast Protection Act was passed by this Parliament, and there have been many changes indeed, including a much greater knowledge about the physical processes which occur along our coasts and, of course, a much greater environmental awareness throughout the community, which has developed in those 20 years. In consequence, it is very timely to reconsider the whole question of coast protection and its management, and the discussion paper has been released so that a public process of discussion and consideration can begin. We certainly hope that this will result in a new, long term program for the protection of our beaches and that all metropolitan councils will join constructively with the Government in finding the best possible solutions for the problems which arise in this area.

REPLIES TO QUESTIONS

CREDIT PAYMENTS

In reply to **Hon. I. GILFILLAN** (24 March).

The Hon. BARBARA WIESE: In response to the honourable member's concerns, I advised that the matter was referred to the Small Business Corporation which subsequently contacted a representative sample of wholesale suppliers in the food, building supplies and clothing industries—none of whom felt

that the credit problem was significantly worse now than it had been two years ago.

All agreed that:

1. Before trade accounts could be opened accurate and full details were obtained from the prospective client, personal guarantees, street addresses, company details and a credit check were the usual requirements.

2. Common practice seemed to be that new customers were either on a cash only or weekly accounts—only being given the privilege of 30 days credit with finance back up or after a period of time on cash only.

3. Some suppliers, where it is feasible, make use of a Romalpa clause. This clause is included in the supplier's terms and conditions to enable the supplier to retain the title to the goods until payment has been received—even when the customer has possession of the goods.

4. Close monitoring of credit accounts with rigorous follow up of overdue moneys was the norm. Some suppliers mentioned existing customers were tending to take longer to pay and in some cases court action had followed.

It would appear that Mrs Male is more generous with credit than most other South Australian wholesalers and does not seem to be following normal practice.

In regard to action the Government might take, the backlog of claims in the small claims court is longer than desirable (often three to six months delay). Secondly, the Small Business Corporation has a training program entitled 'Credit Management' which aims to reduce the number of bad debts by looking at a better, and more cautious, use of credit facilities. Mrs Male would be most welcome to attend a session or talk through the issues with a business adviser.

NATIONAL FACSIMILE CLASSIFIED

In reply to **Hon. L.H. DAVIS** (1 May).

The Hon. BARBARA WIESE: In reponse to the concern raised I advise that:

The Attorney-General also received correspondence from Mr Middleton which he referred to me. The Commissioner for Consumer Affairs has investigated this matter and recommended that as the company, National Facsimile Classified Pty Ltd operates from New South Wales that it was more appropriate for the Trade Practices Commissioner (TPC) to investigate and take appropriate action.

I understand that discussions were held with the Trade Practices Commission and the matter referred to their office here in Adelaide. I have advised Mr Middleton of this.

TUBERCULOSIS INFECTION

In reply to **Hon. BERNICE PFITZNER** (8 March).

The Hon. BARBARA WIESE: The Minister of Health has provided the following response:

1. Routine BCG vaccination was discounted in South Australia in 1986 after being started in 1950. This program reduced active disease rates in the Australian-born to one of the lowest in the world. There has not been a significant increase in cases since the BCG program ceased. The prevalence of tuberculosis in South Australia and Australia is five cases per 100 000, not 34 cases as alleged.

2. The groups with the highest rates of tuberculosis are the elderly, recent arrivals from countries with endemic tuberculosis, Aboriginals and those who have been in contact with active cases.

3. The TB Service continues to conduct active case finding measures in the high risk groups and to vaccinate the newborn amongst these groups. The major difficulty continues to be the inability to persuade immigration officials to provide identification of immigrants from South-East Asian countries. A mobile chest X-ray unit is almost complete and will enable access for chest X-ray screening purposes to inmates of nursing homes and hostels, Aboriginal communities and possibly areas where concentrations of South-East Asian immigrants reside.

The issue about high prevalence in the north-western suburbs is a result of higher concentrations of South-East Asian residents in the western suburbs region.

4. The Government has already set aside funds for these programs.

HOUSING TRUST OFFICE ACCOMMODATION

In reply to **Hon. J.F. STEFANI** (15 April).

The Hon. BARBARA WIESE: The Minister of Housing and Construction has provided the following response:

1. The Housing Trust moved into the Riverside Building in December 1989. The lease commencement date was 1 June 1989 and the rent commencement date 1 October 1989.

The total amount paid to 31 March 1992 by the Trust for leasing the premises at Riverside, including rent and all other charges amounts to $8 764 993.

2. Charges and outgoings incurred by the Housing Trust on the Angas Street site for the period from January 1990 through to 31 March 1992 amount to $231 203. This sum is mainly for Council and Engineering and Water Supply rates, maintenance or fire equipment and building security.

3. The Housing Trust has continued to pursue the sale of the Angas Street site.

PET FOOD

In reply to **Hon. BERNICE PFITZNER** (7 April).

The Hon. BARBARA WIESE: The Minister of Agriculture has provided the following response:

1. Cabinet last year considered an amendment to the Meat Hygiene Act unequivocally to include Category C premises under the Act. The amendment will be introduced into Parliament at a later date.

2. Apart from providing for standards of hygiene, pet food legislation under the Meat Hygiene Act is essential to keep a check on the production, identification, distribution and sale of pet food. These constraints arose because of the meat substitution scandal of 1981. The Meat Hygiene Authority referred the question of licensing Category C premises to the annual meeting of the Standing Committee on Agriculture (SCA) Sub-Committee on Veterinary Public Health (SCVPH) in 1990. The unanimous opinion of the SCVPH was that effective control must be maintained over Category C and that it should be licensed in all States and Territories. This opinion has since been endorsed by SCA.

3. As indicated in the answer above, the Government intends to bring Category C premises under the Act. Government policy with respect to the Meat Hygiene Authority is for it to move towards a situation of full cost recovery of its activities. Under this policy, all licensed premises will be required to pay the prescribed license fee.

WHEAT BREEDING TRIALS

In reply to **Hon. PETER DUNN** (8 April).

The Hon. BARBARA WIESE: In reply to the honourable member's questions, the Minister of Agriculture has provided the following response:

1. Both the University of Adelaide and the Department of Agriculture received funds from the Grains Research and Development Corporation (GRDC) to support wheat breeding and evaluation programs. Preliminary advice from GRDC indicates that with respect to the budgets for casual labour, operating and travel of 1992-93 projects, reductions have been necessary because of a shortage of funds.

These budget reductions will affect wheat breeding and evaluation programs. In the short term however, it is not anticipated that wheat breeding trials in South Australia will be reduced in number although this is constantly under review in an effort to increase efficiency. At all times, plot size and layout may be subject to revision in accordance with the latest technical needs and statistical procedures.

The GRDC is conducting a review of crop improvement programs in the Australian grains industry covering national, regional and state breeding programs.

The outcome will be a report to the GRDC Board summarising resources allocated to grain improvement programs and which will examine opportunities for future allocation of GRDC funds to crop improvement programs.

In the longer term the availability of GRDC and State Government funds may affect the number, size and location of wheat breeding trials.

2. There is already considerable integration of wheat breeding/evaluation plots and activities between the Department of Agriculture and the University of Adelaide, and it is intended that there will be further collaboration in the future. This will in part be facilitated with proposed collocation of the Department on the Waite campus of the University of Adelaide.

3. Although this is most unlikely, it is too early to definitely say whether Government funding will be reduced in future, as allocations have not yet been determined for 1992-93. Current (1991-92) Government funding for these operations includes:

Department of Agriculture—Wheat evaluation: $300 000 for salaries, operating, quality evaluation

University of Adelaide (Waite Campus)—$69 000 salary and on costs

University of Adelaide (Roseworthy Campus)—$512 000 salaries, operating, quality evaluation

4. It is possible that there may be advantages to South Australian farmers if the wheat breeding projects of the Department of Agriculture (varietal evaluation) and the University of Adelaide (breeding programs at the Waite and Roseworthy campuses) are amalgamated, but it is intended at this stage that the Department of Agriculture will continue to assume full responsibility for providing independent evaluation of advanced breeding material at the level of primary and secondary trials. Any amalgamation in the future would be done with full consultation and in the best interests of varietal improvement for South Australian farmers.

PESTICIDES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about cyclodiene pesticides.

Leave granted.

The Hon. M.J. ELLIOTT: My questions refer to cyclodiene organochlorine pesticides, which include chlordane, heptachlor, aldrin and dieldrin. These pesticides are still available for use in South Australia although they are banned in many other countries because of their health effects. Kerry Kirk of the South Australian Health Commission stated on ABC radio on 12 June 1992 that termites in southern Australia are very much more voracious than those in other countries which have already banned the use of heptachlor and chlordane. But that argument looks shaky when it is realised that places such as Hawaii and southern Japan, where termites are a major problem, have already banned these chemicals. Western Australia has legislated to practically ban cyclodiene pesticides from use in existing buildings.

A major builder in Western Australia, Homewest, announced in June that it would cease using cyclodiene pesticides in new homes in the south of the State and instead use physical barriers in building slabs, external walls and at pipe entries. So the technology is available to protect homes against termite attack without having to employ chemicals which have potentially long-lasting effects. A recent study by WorkCover indicates that even when home treatments are carried out in accordance with Australian Standards there is no guarantee that the homes will not exceed the American National Academy of Sciences guidelines. The study, undertaken by Paul Cantrell, shows that heptachor applications cause indoor air levels to exceed the American National Academy of Sciences guideline levels until six months after the treatment. Yet in a recent letter to Greenpeace the Minister stated that:

. . . when properly used beneath houses they bind tightly to the soil with extremely limited evaporation and thereby their ability to move around the environment is substantially restricted.

That appears to contradict the WorkCover study. The movement of the chemicals through the environment is important because of their classification by the International Agency for Research on Cancer, a World Health Organisation Agency, as animal carcinogens and possible human carcinogens. The Minister's letter goes on to say that the Health Commission:

. . . will continue to appraise existing and newly-developed methods to ensure that South Australians have safe, effective and affordable methods to protect their health . . .

Western Australia, the USA, Japan and many other countries have already obviously accepted other methods as safe and effective.

My questions to the Minister are:

1. To what extent are South Australian termites more troublesome than those in southern Western Australia where Homewest has ceased using the chemicals and those in Hawaii and southern Japan where the chemicals are banned?

2. Does the Minister recognise the findings of the WorkCover study? If so, will the Minister retract his statement to Greenpeace that termiticide evaporation is 'limited'? If not, why not?

3. Does the Minister acknowledge that the IARC is the most highly reputable and competent WHO authority in cancer research? If so, will the Minister act to protect South Australians from potential carcinogens by banning heptachlor and chlordane? If not, why not?

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

SUPERANNUATION LEVY

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Small Business a question on the superannuation levy.

Leave granted.

The Hon. L.H. DAVIS: Some small businesses in South Australia are being forced to reduce salaries and wages to overcome the impact of the 4 per cent superannuation levy, which took effect on 1 July 1992. This is particularly true in service industries which previously did not pay superannuation, and where workers previously may have been receiving over-award payments or in industries where there are no awards. I understand that in many cases this is done with the willing agreement of employees. I discussed this matter with a representative of an employer association, and he pointed out that a 3 per cent to 4 per cent increase in superannuation was a straight addition to employer costs at a time when they could least afford it. The point he made was that there were only four ways to meet the superannuation levy: first, to increase prices, which is extraordinarily difficult in a very hostile and competitive economic environment; secondly, to defer investment; thirdly, to reduce other forms of employee benefits; and, finally, to lower wage rates. The other alternative for some may be to cut employment. My questions are:

1. Is the Minister aware that some South Australian small businesses have been forced, because of the

desperate economic conditions, to cut salaries and wages to meet the superannuation levy?

2. Does she support this practice or does she agree with the Prime Minister, Mr Keating, who recently described it as a 'redneck' response and with the Treasurer, Mr Dawkins, who described such employers as 'rogue employers'?

The Hon. BARBARA WIESE: It would be extremely regrettable if businesses in South Australia or in the nation are taking the decision to cut wages or staff as a result of the imposition of the superannuation levy, and I would be very sorry to hear of examples of that occurring. I am aware that businesses in Australia are suffering quite considerable stress in the current economic climate, but to attribute that stress to one payment—the superannuation levy—seems to be a rather difficult assumption to make. Whilst it is regrettable if people are making such decisions I guess that those decisions are theirs to make. I am sure that the honourable member is not suggesting that a superannuation levy is undesirable. He did not say that in his explanation, so I presume that he is agreeing that a policy of encouraging the payment of the superannuation levy in order to prepare for the future and provide retirement funds for workers in the future is something with which he agrees. Sir, it certainly is something with which the Labor Party agrees and believes is the only way to go as far as making proper provision for the retirement years of workers in Australia as we move into the next century and as our population ages.

Having said that, I understand that the Federal Government has recognised that some stress is being placed upon businesses and that there are cash flow difficulties in the current climate and has therefore made recent adjustments to the superannuation levy which would have businesses with an annual payroll of $500 000 and less being required to allocate only 3 per cent of wages to employee superannuation funds. Generally, firms employing 20 or fewer people will fall within the 3 per cent requirement, and since most small businesses in South Austtralia would fall into that category they would be amongst the businesses that would be paying 3 per cent rather than the 5 per cent allocation which is required for other businesses.

There is never a good time to introduce a new system of this sort, but I guess it would be true to say that if payment were not made to make provision for future retirement needs of Australia's work force by way of a superannuation levy there would have to be increases of taxes of some other kind in order to make that provision. One way or another Australia will have to pay in order to support an ageing population. Whilst I do not welcome the stresses that such payments are bringing to small businesses in our nation, I must say that I can see very little alternative.

DRIVERS LICENCES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about the suspension of drivers licences for drink driving offences.

Leave granted.

The Hon. I. GILFILLAN: In April this year I opposed Government moves to impose a mandatory suspension of drivers licences on those people convicted of drink driving offences; that was the mandatory aspect of it. At the time I stated publicly that there would be circumstances in which a person convicted of such an offence could be unfairly victimised through a mandatory loss of licence, and I called on the Government to allow the courts the flexibility to take into consideration mitigating circumstances. That position was supported in submissions by groups such as Aboriginal Legal Rights and the Offenders Aid and Rehabilitation Service. Although I, along with a vast majority of the community, support stiff penalties for drink driving offences, there is in some exceptional cases an argument for allowing restricted licences in certain cases for people in remote areas, for those who must use a vehicle to maintain their livelihood (for example, shearers or shed hands in rural areas) or in cases where a person needs a vehicle for special reasons such as driving a medically incapacitated person for treatment because alternative forms of transport are not available. In these cases a restricted licence would allow a person use of a motor vehicle on a strictly limited basis, but at all other times that person would be expressly forbidden the use of a motor vehicle.

In today's *Advertiser* an article reports the Law Society as mounting a campaign supporting my position to have magistrates empowered to issue limited drivers licences to people suspended for drink driving offences. Having had time to consider the effect of the Act, the society President Neville Morcombe QC, states that there should be the option for magistrates to allow a convicted person to hold a restricted licence in cases of genuine hardship. Mr Morcombe said, as I have, that the current law particularly disadvantages people in country areas who do not have ready access to alternative forms of transport or public transport. The article also includes evidence presented by the Opposition member for Fisher which stated:

> . . . the man lost his licence for three years, which resulted in his being sacked and he and his family have been supported by social security ever since.

I am not sure whether this indicates that the Opposition has actually had a change of heart on this matter, but I hope so. However, the Attorney is quoted in the article as saying:

> Any move to dilute the current drink driving laws would not be in the interest of preventing road trauma.

In the same article the Attorney indicated the law would not be changed. The inflexible approach to this area of penalty is unusual because it locks in concrete a mandatory penalty and takes away from the courts their traditional discretionary power to consider mitigating circumstances when fixing the penalty. Any person who commits a drink driving offence must be penalised. I have been an ardent campaigner for opposing drink driving, and the penalty must be a deterrent in any future breaches of the law. But, I think that all fair minded people recognise that the law must be fair and just, and clearly in this area I do not think it is.

The Hon. C.J. Sumner: Comment!

The PRESIDENT: A fair bit of comment is going into questions, not only those of the Hon. Mr Gilfillan, and I

ask members to address themselves to that aspect when they ask their questions.

The Hon. I. GILFILLAN: The Attorney's reply—

The Hon. C.J. Sumner: Did you seek leave to make a brief explanation?

The Hon. I. GILFILLAN: No, I didn't. Does the Attorney-General believe that, by allowing mitigating circumstances to be considered in exceptional cases, it would substantially reduce the effectiveness of the law? If so, why? Secondly, given the now considered opinion against the mandatory loss of licence provision by the Law Society, and groups such as the Offenders Aid and Rehabilitation Service and the Aboriginal Legal Rights Movement, will the Attorney reconsider his position on this matter?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes'. The answer to the second question is 'No'. In fact, this matter was raised by the Law Society with the Government some considerable time ago.

The Hon. Diana Laidlaw: And I raised it.

The Hon. C.J. SUMNER: The Hon. Ms Laidlaw also raised it in this Council, and I think she has received from me a reply indicating the Government's response to it. The response is that the Government at least is not prepared to introduce legislation to introduce a system of hardship licences. So far as the Government is concerned, the penalties for drink driving are well known and well advertised amongst the community, and there can be absolutely no doubt that everyone in the community is aware of the consequences of drink driving and that there will be a mandatory licence disqualification, depending on the level of alcohol in the blood.

If someone drives with a .13 or .15 blood alcohol reading, it is clear that they should not be on the roads, as they are a danger to any other road user. I am not sure whether the Hon. Mr Gilfillan has ever been .13 or .15, but, had he been and had he known about it, I am sure he would also agree that it would be an act of gross irresponsibility for him to be on the roads in that condition. That is well known to members of the public, and the Government does not therefore believe that there is any case for mitigating the mandatory sentence that is imposed in this case, that is, the licence disqualification. Obviously, the magistrate can take into account the circumstances of the individual up to a certain point, but the Government is of the view that the mandatory licence suspension should remain.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: It may cause hardship. Any licence suspension will cause hardship. All I am saying to the honourable member is that everyone knows—it is not some secret penalty—the laws relating to drink driving. They know that there are mandatory sentence and licence suspensions involved. The community knows that if people are driving with blood alcohol limits over the prescribed amounts, particularly if they are over .08, they are a danger to the public, particularly if they are up in the ranges of .13 or .15. I find it difficult to see that the honourable member is defending the restoration of licences for people who may have that level of blood alcohol reading. It is not acceptable to the Government. It leads to applications being made for the exercise of magistrates' discretion to give restricted licences or hardship licences. That leads to considerable court time and argument about what—

Members interjecting:

The Hon. C.J. SUMNER: No, I did not say that. It leads to argument about what exactly is meant by this. It leads to excuses being put up to the court as to why a hardship licence should be granted. In any event, it could lead to unfairness, as one person might fall on one side of the hardship line and another person might fall on the other side of that hardship. The Government believes that the law is clear. It should be clear, and it can be open to no dispute, and people will have their licence suspended if they drive with more than the prescribed concentrates of alcohol in their blood. The Government has given serious consideration to the issue and has taken the views of the police—

The Hon. I. Gilfillan: The Law Society.

The Hon. C.J. SUMNER: I took into account the views of the Law Society because it was the body that originally raised it with the Government several months ago.

It has also taken into account the views of the Minister of Transport, the Victims of Crimes Service and Families Against Senseless Tragedy. As a result, it has come to the conclusion that, at least from the Government's point of view, it will not introduce legislation to change the existing law.

LOCAL GOVERNMENT LEGISLATION

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for Local Government Relations a question about the future legislation for local government.

Leave granted.

The Hon. J.C. IRWIN: In the latest issue of *Council and Community* published by the Local Government Association of South Australia the President said:

> The forthcoming major Constitution Act for local government will certainly need to have adequate consultation across all sections of the community.

This view was expressed by a number of members in the Parliament and members of the public during the passage of the recently passed Local Government Reform Bill. One of the difficulties for the community and those wishing to be involved in the consultation process is to know exactly what will be contained in the proposed Constitution Act. My study of the Act indicates a potential for a great number of changes which will involve other Acts and portfolios.

This Act, together with the proposed Local Government Administration Act, will be the final major arrangement in the local government reform process. It is my understanding that, on behalf of its members, the Local Government Association does support a green paper/white paper process, much the same as has been done prior to many other pieces of legislation introduced in the Parliament in recent times, such as that relating to the fishing industry, the dairy industry and with the planning review process.

Will the Minister assure the Council and the community that the proposed Local Government Constitution Act will not be introduced for debate until after a green paper and white paper have been produced and adequate time

has been given for a proper consultation process to consider all the proposals?

The Hon. ANNE LEVY: The discussions with the LGA on this matter are continuing. The LGA itself is developing proposals I think as to the form that it thinks the legislation should take and the matters with which it should deal. It has not as yet come back to the Government with its proposals, so at this stage the ball is in its court. I do not suggest that it is in any way being dilatory. This is not something which can be hurried and, obviously, a great deal of discussion and thought must go into the process.

I am not really able to say at this stage whether there will be a formal green paper followed by a formal white paper. I am quite sure that there will be a great deal of consultation throughout the community and local government. However, the fine details of such consultation is another matter which the LGA is considering.

The Hon. Diana Laidlaw: The President seems to think there is reason to have a green paper and a white paper.

The Hon. ANNE LEVY: The President has spoken to me about the necessity for such consultation and made some suggestions as to how that may be achieved but without, as far as I am aware, having reached any definite conclusion at this stage as to how the consultation should occur.

The Hon. Diana Laidlaw: So, you're not advocating a green paper and a white paper?

The PRESIDENT: Order!

The Hon. ANNE LEVY: However, I am quite sure there will be considerable consultation by whatever process the LGA and the Government feel is appropriate and that such consultation will occur before any legislation is presented to Parliament. I may say that this probably means that the time for bringing the legislation to Parliament will be extended beyond that which both the LGA and the Government might have initially hoped.

When timetables are drawn up for legislation, one often makes assumptions about the speed with which consultation can occur and then finds in practice that it takes longer than one perhaps had hoped, but there is no way that I will bring any legislation to Parliament before full consultation has occurred.

The Hon. J.C. IRWIN: As a supplementary question, will the Minister then say that she will make her officers available for the processing of a green paper and then a white paper so that that can be the basis for consultation? Consultation is not just with the local government community of councils. We are here concerned with consultation with the people of South Australia who are ratepayers and electors of local government.

The Minister may not have the structure within what is left of her department to undertake the green paper work, but she certainly has such a structure to undertake the white paper work, which would be the draft legislation that would need final consultation before it was introduced for debate. Will the Minister make her officers available for that green paper/white paper process?

The Hon. ANNE LEVY: I do not want to prejudge the question of how consultation will occur. To suggest that there is a green paper followed by a white paper indicates that a particular form of consultation will occur. As I say, the LGA is considering what is the best means of undertaking the consultation which is necessary.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It has not come back to the Government with any suggestions or details of what it feels is appropriate. The green paper/white paper process is one way in which it could occur, and I may add that I made it very clear in my answer, and I will make it very clear again, that consultation is not just with the local government community but with anyone with an interest or involvement in the matter. It is a question not of consulting solely with councils but, rather, of providing an opportunity for anyone in the community to put forward their views on this matter. I am sorry if the Hon. Mr Irwin did not hear me say that, but I certainly made that very clear previously and make it clear again now: there is no question that everyone in South Australia should have the opportunity to make their opinions known.

The idea of a green paper/white paper obviously has many attractions. If that were decided as the appropriate means to proceed, certainly my officers, although very limited in number, would do what they could to advance that process, but I do not wish to say that that is the procedure which must be followed. The procedure itself, as well as the possible content, is still under discussion and I do not want to pre-empt the results of those discussions.

SAGASCO

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

Leave granted.

The Hon. J.F. STEFANI: The South Australian Government holds 57 per cent shareholding in the South Australian Gas Company. In its annual report for the year ended 31 December 1991, the directors of SAGASCO Holdings Limited advised shareholders of their awareness that some of the properties or land owned by the company contained soil contamination. The report confirmed that independent experts had been engaged to carry out further testing in order to determine the precise nature and extent of the contamination and whether or not any remedial action was necessary.

As a precautionary measure, the directors opted to include in the annual accounts of SAGASCO a more conservative property valuation of $17.5 million instead of the higher valuation of $20.8 million, which had been presented by an independent valuer who had based his valuation on the assumption that the property was free of pollution.

My questions therefore are:

1. Has the precise nature and extent of the contamination been established?

2. If so, what are the findings of the expert's report?

3. Which property has been involved in the testing and to what extent and level have the tests been carried out?

4. Has the aquifer been contaminated? If so, to what extent has the pollution affected the water supply?

5. Given the directors has made a $3 million provision by adopting a lower property valuation, can the Premier advise the estimated costs to rectify the contamination of the properties owned by SAGASCO?

The Hon. C.J. SUMNER: SAGASCO is a private company and I assume the honourable member could get the information from the board of directors of the company. However, I will see whether that information can be obtained from the board.

AGRICULTURE DEPARTMENT

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Agriculture a question about funding cuts for the Department of Agriculture.

Leave granted.

The Hon. PETER DUNN: There are indications that there will be a cut of 25 per cent in funding for the Department of Agriculture in the future. A number of rural and city people are questioning such a severe cut as 25 per cent. The Department of Agriculture is not just a service industry but also delivers research information. In the case of primary industry, unlike secondary industry, research cannot be contained within the industry and by nature is spread over a wide area. Farming, whether broad acre, horticultural, pastoral or just growing pot plants is carried out on a small business basis and therefore requires research and extension by a central body.

There are very high returns on the research dollars that are expended on rural research, and I might add that more than half those research dollars come from the industry itself. Agriculture in this State covers about $2 billion—about $1 billion in export dollars, which is about 50 per cent of South Australia's exports. These moneys are used to offset spending by this community. My questions therefore are: why should agriculture suffer such severe cuts; what is the justification for these cuts; and what other departments are to receive cuts of 25 per cent such as those proposed for the Department of Agriculture?

The Hon. BARBARA WIESE: That seems to be one of those 'when did you stop beating your wife' questions. I am sure the Minister of Agriculture is observing the same conventions as every other Minister of Government is observing at this time, and that is that he would be insisting that it is inappropriate to make comment on what may or may not be in the budget, which will be brought down in a few weeks. I am sure the Minister will be able to provide details of his budget once the Premier has delivered the budget speech, but it would be highly unlikely that he would be able to do so prior to that date.

HEINZ BABY FOOD

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about Heinz baby foods.

Leave granted.

The Hon. J.C. BURDETT: Tucked away in a fairly inconspicuous part of page 6 of today's *Advertiser* was the following article, headed 'Heinz warns of baby food cans':

> Melbourne: The Heinz food company issued an urgent warning to parents yesterday after recalling cans of baby food which could carry harmful bacteria. The warning applies to 125g cans labelled Heinz Strained Peach and Apple, but which in fact contain baked beans in ham sauce, the company said in a statement.
>
> The food carried possible harmful bacteria because of inadequate cooking time and was inedible, it said. Although only a limited number of cans was involved, it was recalling all 125g cans of strained peach and apple as a precaution. Heinz urged consumers to immediately dispose of the cans, which do not show a use-by date.

My questions are: Although this warning has appeared in the *Advertiser*, has the Minister's department taken any steps to inform consumers, and is she aware of whether the company has taken steps to have cans disposed of from supermarket shelves? That is not referred to in the *Advertiser*. Further, will the department monitor the disposal of cans from supermarket shelves?

The Hon. BARBARA WIESE: I will seek a report from the Commissioner and ascertain just what information has been provided to the Department of Public and Consumer Affairs about this matter, but I can say in passing that, although the morning newspaper did not give much prominence to the story that was put out by Heinz company, other areas of the media did. Quite prominent stories were on radio news services, for example, providing information about the cans to which the honourable member refers. However, as to the role that the Department of Public and Consumer Affairs has played, I will seek a report from the Commissioner and bring back that information for the honourable member.

QUESTION REPLIES

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question concerning answers to questions.

Leave granted.

The Hon. R.J. RITSON: A long time ago—earlier this year—I asked a question about the non-proclamation of that section of the Medical Practitioners Act 1983 (note the date: a decade ago; the tenth anniversary is coming up) which required doctors to have medical professional indemnity insurance. That is something that the legal profession compels upon itself and has done for a long time. I asked the Minister why that was not ever proclaimed, and I waited for the answer. I think I raised the matter again when one deregistered doctor urged his colleagues not to take out the insurance because it only encourages litigation. He thereby demonstrated why he was worthy of deregistration. I waited for the answer and I thought that, come the end of session, it would be included with the job lot of answers that would be handed out, but it did not come.

I eagerly went to my letter box all through the recess expecting the answer, but it did not come, and today the Hon. Ms Wiese has handed out a job lot of answers from Dr Hopgood from February/March and it is not there either. There must be an explanation and, if the only explanation is that the Government forgot, I guess it does not want to give that answer, but I am interested in whe-

ther there is a real scientific and practical explanation. So, I ask the Minister: does she consider a delay like this to be simply incompetence or is it a contempt of this institution and, secondly, when may the question be answered—in which year will it be answered?

The Hon. BARBARA WIESE: Ministers try to provide answers to questions as quickly as possible. Sometimes there are very good reasons why information cannot be made available within a very short time. But it is the usual practice of Ministers to provide responses within a reasonable time. I shall make inquiries about the matters that the honourable member has raised with the Minister of Health in another place and seek to have a reply provided as soon as possible.

MEDICAL OFFICERS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking questions of the Minister of Health on the subject of visiting medical officers.

Leave granted.

The Hon. BERNICE PFITZNER: Visiting medical officers are very senior medical specialists who have put in approximately 12 years in obtaining their basic degree and post-graduate degree. It would be fair to say that at least 20 years would have been spent in studying and in work experience to attain the position of VMC. They not only have academic excellence but they bring to the public hospitals invaluable skills and experience that they obtain not only in the public sector but in their private work. It is reported that there is a trend from the Health Commission to the hospital boards that these visiting medical officers are to be replaced by full-time salaried medical specialists. I understand that the rationale is that these salaried specialists will be cheaper. One has to be aware that these visiting medical officers receive no holiday pay, sick leave or conference leave—and they pay their own superannuation. Also the full-time salaried specialist will not have the variety and breadth of experience as will a visiting medical officer. Due to our recession, we must think of the financial aspect, but we must also balance this with the quality provided. My questions to the Minister are:

1. Is there a trend and preference by the hospital boards towards employing full time salaried specialists as against visiting medical officers? If not, what guidelines are the hospital boards using to ensure that the most satisfactory mix is obtained?

2. I understand that a critical clause has been left out between the negotiations of 15 July and 24 July—has this clause been reinstated?

3. A final acceptance of the various matters was made on 30 July and a written acceptance was sent by the South Australian medical officers on behalf of the visiting medical officers to the Health Commission on 3 August. What progress has been made since then?

4. What are the final terms of the agreement and when will the agreement be signed between the Health Commission and the South Australian Salaried Medical Officers Association?

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

The PRESIDENT: I call on the Hon. Ms Laidlaw: I draw her attention to the time.

TRAVEL CONCESSIONS

The Hon. DIANA LAIDLAW: I seek leave to make a very brief explanation before asking the Minister representing the Minister of Transport a question about travel concessions for the unemployed.

Leave granted.

The Hon. DIANA LAIDLAW: Some 11.5 per cent of South Australians are registered as unemployed. If a person is unemployed and lives anywhere in the Adelaide area that is covered by STA transport they are entitled to travel at a concession rate which is 50 per cent of the full adult fare. In 1990-91, Government reimbursements to the STA to cover the cost of fare concessions for unemployed persons and their dependent spouses amounted to $2.5 million. However, if an unemployed person lives anywhere else in South Australia that lies beyond the reach of STA services they are not eligible to travel at a reduced fare on local or licensed route bus services, even if that travel is associated with seeking work or reporting to CES and Social Security offices. Therefore, unlike their counterparts in the Adelaide area—

The PRESIDENT: Order! I have to call on business of the day, the time for questions having expired. Call on the business of the day.

The Hon. DIANA LAIDLAW: Can I just finish my question?

The PRESIDENT: I warned the honourable member before she started the question. Call on business of the day.

STANDING ORDER 14

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

That for this session Standing Order 14 be suspended.

This is the customary motion relating to the suspension of Standing Order 14, and I move it for the reasons given and with the same qualifications as on previous occasions.

Motion carried.

CRIMINAL LAW CONSOLIDATION (APPLICATION OF CRIMINAL LAW) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this Bill be now read a second time.

At common law, all crime is local. One of the consequences of this is that each State (or area of criminal jurisdiction) may only take jurisdiction over (or try) criminal offences committed within the territory of the

jurisdiction. In a prosecution in which that question is at issue, the general rule is that the prosecution must prove beyond reasonable doubt that the court has jurisdiction to try the case.

This is essentially a nineteenth century doctrine of common law. It was developed at a time at which the limits of legislative and judicial power were carefully constrained by the territory under their control. Clearly, it also belonged to a time in which population and criminal mobility was far more limited than is presently the case. Over the years, the courts have had to interpret and develop the doctrine to take account of crime, such as drugs, fraud, hijacking and conspiracy, which pay no attention to the territorial limits of States, except in order to manipulate them. As a consequence, this area of law is a complex minefield.

Various legislative measures have been developed over the years to ameliorate the effects of this. Some examples are the Commonwealth Service and Execution of Process Act, which is now due for a major overhaul, extradition and the Commonwealth Mutual Assistance legislation, and co-operative schemes between the States, such as those operating in the area of driving offences and confiscation of the proceeds of crime, and that proposed for orders requiring people to keep the peace.

The general question of this area of law was raised again in stark form by a case in 1984 in which the prosecution could not prove where the crime took place. The charge was murder and the alleged victim had disappeared, but the body was not found and it could not be determined with any probability, let alone certainty that, if the accused had killed the victim, where he had done so. As a result, the Standing Committee of Attorneys-General referred this matter to the Special Committee of Solicitors-General. The intractable nature of the problem led to a lengthy period of consultation between these two bodies and the Parliamentary Counsels' Committee.

These deliberations were interrupted by the decision of the High Court in *Thompson* (1989) 63 ALJR 447. In that case, there was sufficient evidence for a jury to conclude that the accused killed four people—but it could not be established whether this was done on the Australian Capital Territory or the New South Wales side of the border. In general terms the High Court agreed that in the case actually before them, the location of the offence need only have been proved on the balance of probabilities but significant doubts exist as to whether that would or should have been the result if there had been a significant difference between the applicable criminal laws of the two possible criminal jurisdictions.

In the course of deliberations about this problem, the Solicitors-General took the view that the territorial rule of the common criminal law was too restrictive and should also be dealt with. An overall solution was devised to cover the general rule and the specific problem raised in *Thompson*. Consideration of a solution has been protracted because of the intractable nature of the problems which arise, dealing as they do with the nature and extent of State criminal power, the burden of proof in criminal proceedings, and the inter-jurisdictional possibilities of all nature of crimes.

This Bill represents the considered best legislative solution to these problems and has been accepted both by the Solicitors-General and the Standing Committee of Attorneys-General. The draft has been considered and accepted by the Committee of Parliamentary Counsel. It has been recommended that it be enacted in each Australian criminal jurisdiction.

I therefore commend the Bill to the House and seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 proposes a new section 5b to provide for the application of the criminal law of the State in any case where all of the elements of an offence exist and a territorial nexus exists between the State and at least one of these elements. The territorial nexus exists if the element is or includes an event occurring in the State, or the person alleged to have committed the offence was in the State at the time of the occurrence of an event that is, or is included in, an element of the offence. The existence of the territorial nexus will be presumed, and the presumption will be conclusive unless the court of trial is satisfied, on the balance of probabilities, that the necessary territorial nexus does not exist. The provision will not apply to an offence that makes the place of the commission of the offence an element of the offence, to an offence that excludes the requirement for a territorial nexus, or to an offence for a charge laid before the commencement of the section.

Clause 3 provides for the consequential repeal of section 17 of the Act.

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

ACTS INTERPRETATION (AUSTRALIA ACTS) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act 1915. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to provide that any law made before the commencement of the Australia Acts is as valid as it would have been if the Australia Acts had been in operation when the law was made. The Australia Acts consist of identical Acts of the Parliaments of the Commonwealth and the United Kingdom and were enacted at the request of the States. Each Act is called the Australia Act 1986. The legislative powers of the State Parliament, after the commencement of the Australia Acts in 1986, are wider than they were before the commencement of the Australia Acts.

Before the commencement of the Australia Acts the legislative powers of the State were limited in at least three ways:

1. The State Parliament had no power to pass laws having extra-territorial effect.

2. The State Parliament had no power to pass laws which were repugnant to Imperial legislation applying to the Colony (now the State).

3. The State Parliament had no power (and still has no power) to pass laws inconsistent with the Commonwealth Constitution.

The Australia Acts removed the residual colonial fetters on State legislative powers by providing that State legislative powers include the power to make laws having

extra-territorial operation and by removing the possibility that future State laws might be invalid because of repugnancy to United Kingdom law. The third constitutional limitation on legislative powers, of course, remains.

Concern has been expressed that legislation passed before the Australia Acts might still be held to be invalid on either of the first two grounds mentioned. The Special Committee of Solicitors-General has examined this issue and recommended to the Standing Committee of Attorneys-General that each jurisdiction pass legislation declaring the validity of all legislation in place at the date that the Australia Acts came into operation. The special committee after considering a number of legislative drafts has recommended a model Bill to be enacted in all jurisdictions.

The Standing Committee of Attorneys-General has accepted the advice of the special committee and agreed to the amendment. Each State is to introduce similar legislation. To date, the Act has been passed by the New South Wales Parliament.

The passage of this measure will add certainty to the law. The Bill applies to all State legislation enacted before, and still in force at, the coming into operation of the Australia Acts. The Bill provides that all such legislation is as valid and effective as it would have been if passed after the coming into operation of the Australia Acts. This measure is basically of a precautionary nature. No cases have yet arisen where it has been demonstrated that there is any inadequacy in the law. It is considered that the amendment will remove the risk of unwarranted technical objections to laws passed prior to 1986 which have been considered to be valid and have operated and been enforced accordingly.

I commend this Bill to members and seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides that the measure will be taken to have come into operation immediately after the commencement of the Australia Acts.

Clause 3 amends section 4 of the principal Act by inserting a definition of 'Australia Acts'. The term means the Australia Act 1986 of the Commonwealth and the Australia Act 1986 of the United Kingdom.

Clause 4 inserts new section 22b into the principal Act. This provides that each provision of an Act or statutory instrument enacted or made, or purporting to have been enacted or made, before the commencement of the Australia Acts is as valid as it would have been, and has the same effect as it would have had, if the Australia Acts had been in operation at the time of its enactment or making or purported enactment or making.

A statutory instrument is—

- a regulation, rule, by-law or statute made under an Act;
- a code or standard made, approved or adopted under an Act;

or

- any other instrument of a legislative character made or in force under an Act (see section 4 of the principal Act).

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

SUMMARY OFFENCES (ROAD BLOCKS) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

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

That this Bill be now read a second time.

This Bill amends the Summary Offences Act 1953 so that the police will be able to use road blocks to facilitate the apprehension of persons illegally using motor vehicles.

Section 74b (2) of the Summary Offences Act as currently worded allows the police to establish road blocks in order to apprehend a person suspected of having committed a major offence or who has escaped from lawful custody. 'Major offence' is defined as an offence attracting a penalty of life imprisonment or imprisonment for at least seven years.

The maximum penalty for using a motor vehicle without the owner's consent is two years for a first offence and imprisonment of not less than three months and not more than four years for a subsequent offence. Clearly, as the law presently stands, road blocks may not be established for this offence.

The Police Commissioner has reported to the Government that the establishment of appropriate road blocks is one of the most apparent and basic means of assisting in stopping and apprehending persons illegally using a motor vehicle.

Accordingly, this Bill inserts into the definition of 'major offence' an offence against section 86a (1) of the Criminal Law Consolidation Act 1935 (section 86a deals with using a motor vehicle without consent).

It is not suggested that road blocks will be necessary or appropriate in all cases where police are attempting to apprehend persons illegally using a motor vehicle. The power will be a useful addition in these circumstances. In determining whether to establish a road block in a particular situation much will depend on the location, the isolation, the time of day, the amount of other traffic on the road and other factors. The existence of the power to establish road blocks for this offence will enable the police to plan ahead using local knowledge of the 'usual routes' taken by persistent offenders and to limit the need for prolonged high speed pursuits.

This measure will give the police an additional tool to apprehend persons who illegally use a motor vehicle. I commend the Bill to members and seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 74b of the principal Act by extending the definition of 'major offence' in subsection (1) to cover an offence against section 86a (1) of the Criminal Law Consolidation Act 1935 (interfering or using a motor vehicle without the owner's consent).

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

SUMMARY PROCEDURE (SUMMARY PROTECTION ORDERS) AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Summary Procedure Act 1921. Read a first time.

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

That this Bill be now read a second time.

This Bill amends the Summary Procedure Act 1921 ('the Act') by three distinct amendments to the provisions relating to restraint orders issued pursuant to section 99 of the Summary Procedure Act. The amendments provide for:

(a) applications for restraint orders to be made by telephone outside of normal court hours;

(b) the recognition and enforcement of restraint orders granted in other States;

(c) the making of orders concerning disposal of firearms and cancellation of or variation to firearms licences.

The relevant section of the Act enabling application to be made to a court for the issue of a restraint order is section 99.

Currently for a restraint order to be obtained a court hearing must be held. In some cases, the police attend a domestic disturbance at night where a person ('the respondent') is harassing and threatening another person ('the victim'). Application for a restraint order cannot be made until the next working day, and even then a breach of the order cannot be penalised until the order is served on the respondent.

The first amendment will enable the police attending at such a scene of domestic violence to apply to a court, which will in practice consist of a magistrate rostered on duty for such emergency applications, for the grant of a restraint order. The application will normally be made by telephone, but may be made by any telecommunications device, which will enable applications to be made, for instance, by emergency radio. The magistrate must satisfy himself/herself as to the officer's identity and must then satisfy himself/herself that it is an appropriate case for the granting of an order. The magistrate is specifically authorised to speak to other people at the scene in considering the application.

If the magistrate decides to make an order, having spoken to the relevant people at the scene, the magistrate will dictate the terms of the order over the telephone to the police officer. The police officer will complete a preprinted form in accordance with the magistrate's directions. This completed form then has the status of a court summons and order and can be served on the respondent.

One of the difficulties which has been faced by the police and by victims in the past has been the fact that an order is not enforceable until it has been served on the respondent. A significant proportion of respondents prove to be very difficult to serve with the restraint orders which have been obtained at court hearings. The Bill proposes to address this difficulty, in the case of telephone orders, by ensuring that if the respondent refuses to remain at the premises voluntarily, he/she can be detained until the telephone application for a restraint order has been finalised. If an order is made the respondent will be served with the order immediately. The restraint order will still be subject to confirmation by a court hearing pursuant to section 99 (4). The provisions enabling the issue of an order by telephone and prompt service of an order should enable the section 99 (4) hearing to be allocated an early date, thus ensuring a prompt decision on the merits of the application.

The second amendment covers a further deficiency of the present scheme, being that restraint orders do not have any interstate application. This matter has been considered by the Standing Committee of Attorneys-General who have agreed to endorse portability of protective or restraint orders between States and Territories. The amendment will enable the registration of orders obtained under equivalent legislation in other States in South Australian courts and will enable the enforcement of those orders in this State. Victims of violence will hence be able to retain the protection of an order obtained in another State or Territory. Similar provisions are being introduced in all other States and Territories.

To register an interstate order under the new scheme, a person in favour of whom a restraint order has been granted interstate will be able to present his/her original order to the Magistrates Court for registration in South Australia. The details of the original order will be recorded and will then be enforced in the same way as an order obtained in South Australia is enforced.

The third amendment has been made in response to recommendations of both the South Australian Domestic Violence Council and the National Committee on Violence. These recommendations propose that the Act be amended to enlarge existing powers to remove firearms from scenes of domestic violence and for the person against whom an order is made to be restricted in his/her ability to possess firearms and/or to hold a firearms licence.

Currently, the police can only seize a firearm from a scene of domestic violence if the person who has the firearm is not a 'fit and proper person' to have a firearm in his/her possession. In practice, the only occasions when firearms are seized are where the defendant has used or threatened to use a firearm during the incident. Upon the hearing of a summons the court can make an order that seized firearms be forfeited to the Crown.

The Firearms Act 1977 as amended by the Firearms Act Amendment Act 1988 and the Firearms (Miscellaneous) Amendment Bill 1992 (I have a feeling it is still to be introduced) goes some way towards remedying the difficulties encountered in controlling the use of firearms by offenders and others who appear before the courts. However, further incidents of domestic violence often occur soon after a restraint order is granted and the use of firearms in incidents of domestic violence is widespread. A large number of fatalities result from the use of firearms in domestic violence situations. The likelihood of firearms abuse occurring would be significantly reduced if the court is required to make orders concerning the possession of firearms and of firearms licences at the time of hearing an application for a restraint order.

The amendment empowers the court to make orders concerning a respondent's possession of firearms and of a firearms licence and further empowers the court to speci-

fy the conditions upon which the respondent can hold a firearms licence. A respondent who either opposes the grant or confirmation of a restraint order, or who objects to the imposition of conditions on the possession of a firearm or on the holding of a firearms licence, will consequently be in a much better position to address the court and to make representations concerning his/her continued possession of firearms and as to the conditions upon which he/she may hold a firearms licence than at present.

The provisions concerning firearms and firearms licences have been amended since the Bill's introduction last session. The amendment clarifies that it is Parliament's intention that the court should take any powers that are reasonably available to it to avert or minimise any risk of a firearm being used as an instrument of violence. These three amendments overcome many of the difficulties and inequities currently faced by victims of violence.

When the Bill was introduced last session the Government undertook to examine the adequacy of penalties for breach of restraint orders and, in particular, for repeated breaches of restraint orders. Since then a case has come before the Full Court of the Supreme Court in which the subject of the appeal is the adequacy of penalties for repeated breach of restraint orders. A decision in that matter is pending. The Government will review the need to pursue legislative reform in this area upon the decision in that case being handed down. I commend this Bill to honourable members and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

(The Bill amends the Justices Act 1977 as if the Justices Amendment Act 1991 was in operation.)

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 amends the interpretation provision. New definitions of 'summary protection order', 'interstate summary protection order' and 'telephone' are included.

Clause 4 amends the heading to Part IV Division VII to reflect the change in terminology from orders to keep the peace to summary protection orders.

Clause 5 amends section 99, the section under which summary protection orders are made.

New subsection (1a) enables the court in making a summary protection order to make appropriate orders relating to the disposal of any firearms, the cancellation or suspension of any firearms licence held by the defendant or the disqualification of the defendant from holding any such licence.

New subsections (2a) and (2b) provide that summary protection orders may be issued on complaint made by telephone. Procedures are set down for verifying the authenticity of the complaint and the urgency of the case and for issuing a summons and order where appropriate.

New subsection (2c) gives the police power, where reasonably necessary, to arrest and detain a person while a telephone complaint is made so that any order made or summons issued on the complaint may be served on the person.

Clause 6 inserts a new section 100 to deal with the registration in this State of summary protection orders issued interstate.

It empowers the court to make necessary adaptations and modifications to the interstate order and to vary or cancel the registration of the order on the application of the police, the defendant or the victim.

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

ADDRESS IN REPLY

The Hon. C.J. SUMNER (Attorney-General) brought up the following report of the committee appointed to prepare the draft address in reply to Her Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open Parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. R.R. ROBERTS: I move:

That the Address in Reply as read be adopted.

In doing so, I thank Her Excellency Dame Roma for the speech with which she saw fit to open the Parliament. I want to address some remarks to one part of the proceedings that Her Excellency touched upon, namely, the rural situation and agriculture in particular. Since entering this place some three years ago, almost like Topsy, I have become involved fairly intensively in matters which affect rural industries. In particular, over the past three years I have dealt with many farming groups and farmers from all over South Australia.

I have been particularly interested in the work that has been done by rural counsellors, and I was involved with issues involving truck safety and we were able, by sensible consultation, to work with the Minister of Transport to overcome that problem. Recently I was involved with problems that beset the milk industry, and those problems have been addressed again through the same process, and a white paper is pending. One issue in particular is the proposed changes to the Barley Board of South Australia. About 12 or 15 months ago I was invited to attend a meeting at Maitland on the peninsula. On my arrival I was told that there was a dispute about the future direction of the Barley Board in South Australia. However, also I was told that everything was fixed up and, 'when you arrive there you will be bound to meet a few malcontents'.

On arrival at that venue I found that 352 farmers had turned out at Maitland on a cold winter night over this issue. It became clear to me that there were more than a few malcontents and that there was a problem. I do not want to do go into the fine detail of the barley issue and the arguments for and against, but I was told when I reached that venue that there was an ongoing problem in rural areas between the UF&S and sectional groups of farmers throughout Australia.

It was alleged that the UF&S was out of touch with its membership. In my conciliatory way, during my contribution that night I pointed out to those assembled that the proposed Bill we were discussing at that time was drawn up on behalf of the barley growers in South Australia after intensive consultation with members of the UF&S. Indeed, it was my understanding that the Minister placed great faith in the UF&S as the farmers representative, or—and I put it in industrial terms—as the union representing farmers in South Australia, and that he did compile a proposed working paper.

On that night I pointed out to all the parties within the UF&S, concerned barley growers and farmers generally—and I have repeated this at a number of meetings I have attended upon this issue—that when farmers are feeling the pinch economically it seems to be a tragedy if there is division in the farming ranks. On every occasion I have encouraged members of the UF&S and the farmers to get together and work out their problems so that some appropriate decision-making by the UF&S truly reflects the views of farmers in South Australia.

When I received an invitation last week to attend the annual UF&S conference at the Festival Centre, given my past experience and my absolute faith in the ability of farmers in South Australia to overcome the problems and, indeed, in most cases of farmers to address the problems and to work towards finding solutions, I gladly accepted.

To those members who have not been to a UF&S conference, I should explain the format. The UF&S conference is an annual event where absent farmers, who in most cases live in the leafy suburbs of Burnside and Kensington Gardens, go through this ritual where they take out their tweed jacket, the old moleskin trousers and the R.M. Williams boots and congregate in the Festival Centre to castigate all and sundry about all the problems that beset farmers.

They have a set ritual whereby they go through the motions of attending to a couple of brief items on the agenda. The first one I had the pleasure of hearing was whether we ought to call ourselves the UF&S, the National Farmers Federation of South Australia, which I am still trying to come to grips with, or whether it should be the South Australian Farmers Association. A lively debate then ensued as to whether it ought to be a federation, albeit a State body, or an association. They decided they would decide on a federation because their organisation would be known as SAFA, and that seemed to cause some trouble. I would have thought it was probably a very good acronym for the organisation. I believe it is an association of farmers which should consider each segment of the organisation.

The next part of the ritual is that the President stands up on a pedestal and makes a speech. I must say that the speech this year was very good. In fact, I thought it was very good the last eight times that I have heard it. Every year we get the same old rhetoric about 'It's the Government's fault.' They throw in a little bit about the Liberal Party, because it is not representing them. Everybody is doing everything wrong in South Australia and federally bar this select group of agripoliticians who congregate every year.

I must say that one does not see too many of the hard working down-to-earth farmers at these functions. It is always the same old people, as I say, dressed in the same old attire and generally sitting in virtually the same positions muttering the same things.

I had the experience, I suppose, of listening to this. I must say that the Liberal Party and the National Country Party were represented, as were the Democrats. However, I was the only representative from the Australian Labor Party, and I thought I was doing a pretty good job until after hearing the rhetoric. I listened and thought that the others were much smarter than I, because they would not listen to the things that we had heard year after year after year.

This speech had one slight variation, which is topical, and that is that the UF&S believes that a GST policy is very good for farmers. In his contribution, Mr Scholz said:

> A GST policy signals to consumers, which we all are, that the real cost of production needs to be borne by those who consume the wealth.

In other words, the GST ought to be borne by everybody else but not by us.

During the proceedings, which went on all day, I did note the presence of members of the Liberal Party and the Democrats. Especially when the TV cameras were there, they all lined up and took it on the chin, the same as I had to. However, when I returned in the afternoon, I had the experience of listening to the Chief Executive Officer of the National Farmers Federation, who, much to my surprise, gave virtually the same speech again but castigated anybody on the West Coast who happened to think it was a good idea to organise farmers into a union.

When one mentioned 'union', it was like a concrete cloud crashing straight to earth, and that suggestion was roundly condemned. I do not believe that there should be a call to implement a union because, if they were a union and subjected to the same rules and regulations as are unions these days, they would have to amalgamate with some organisation, which would probably be the AWU. I suppose that would be a positive move, because some organisational skills would be introduced into their ranks.

However, Mr Scholz, when he was again condemning the State Labor Government and the Federal Government, stated:

> At the State level we have a Government which has delivered 100 000 South Australians out of work. By virtue of that fact alone, they should hang their head in shame and voluntarily retire.

An honourable member interjecting:

The Hon. R.R. ROBERTS: Here is the old school coming out to defend—

The Hon. L.H. Davis: It's like a shadow Minister of Agriculture speech, this one.

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: They criticised the Government and said that it ought to get out. I think that, if people want to throw out challenges to people, they should stand by the same principles. In fact, for many years the UF&S has represented farmers who have been going off the land in droves. Furthermore, they have been exercising their voluntary option and leaving the UF&S in droves. If they want to talk about representations being provided by the Government and if they apply that standard to their own organisation, they ought to all resign.

It was mentioned that farmers only ever wanted a fair go. I had to analyse that statement against some of the other points made. They talked about interest rates. The reality of life is that, due to the policies for which the Labor movement both State and federally have been castigated over the past five years, interest rates are now about 5.75 per cent. That is the lowest they have been for 20 years. At the National Farmers Federation meeting a few years ago, Liberal Party members and National Party people, both within this Chamber and other Chambers, condemned the Government because of the high interest rates. I am still to hear the congratulations now that we have introduced policies to reduce them.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: What was the history when interest rates were very high? Every time that the interest rates were increased and farmers, who took the advice of people like the UF&S, had got into financial trouble, the State Government and the Federal Government provided rural relief and low interest loans. So, to say that the State and Federal Labor Governments are insensitive is obviously untrue.

Exchange rates was another issue raised. Exchange rates have changed and we have a reasonably low dollar. Farmers Federation people and the Liberal Party have said for many years that we ought to lower the dollar so that our export income can be increased. They have paid little heed to the fact that that increases the price of imported goods. The Australian dollar is now fairly stable at a fairly reasonable level, and the negative of that is that, with these import prices up, there is a higher cost of imports that farmers use on their farms.

The next thing touched upon was inflation. Again, we have heard these hoary old arguments for 20 years that inflation is too high. Once again, what does the record show? Inflation at the present time is as low as it has been for 20 years, at 2.5 per cent.

Taxation was another point mentioned—something was said about it in conjunction with the GST. The fact of the matter is that the State and Federal Governments have virtually taken the indirect sales tax off almost all the farming imports in the country. But what is their policy? I hear the Hon. Mr Dunn wants to enter the debate, and he will have the opportunity. I think now is probably as good a time as any to talk about the policies of the Liberal Party which, at a time when we have now, as I have just explained, removed all the wholesale tax on imports to farming, wants to introduce a 15 per cent GST to this country.

Some people may want to leap to the defence of the GST and the 15 per cent. What is being said to farmers now is, 'There will be no wholesale taxes on imports at present. There will be the 15 per cent but do not worry; later on, you will be able to claim a rebate.' Farmers hate bookkeeping. The United Farmers and Stockowners are saying this is a great thing, but now farmers will have to be *ex officio* accountants.

The other thing touched upon was payroll tax. The fact of life is that the farming industry, like a lot of small businesses, is really a bit of a myth. The truth is that 95 per cent of industries and companies do not pay payroll tax, anyhow. Through the assistance programs that Labor Governments have provided to farmers over the years for investment income, the incentives for technology in farming, and the rural research that has been funded by the State and Federal Governments, systems and mechanisms have been provided to make farmers more efficient than they have ever been in their life. The fact is that very few farmers actually employ anybody, so where is the payroll tax?

It is claimed that WorkCover is too high. I can only assume that they are talking about WorkCover associated with shearers, because the shearing industry is one where people are employed and there are payroll considerations. At the conference we were roundly condemned because, at this time of alleged crisis within the farming industry, there has been an increase in the price of shearing 100 sheep.

The claim is that it is the worst possible time to introduce an increase to the price of shearing sheep. The reality is that there has never been a good time, according to the UF&S. Three or four years ago, they were making massive profits. There was an application before the Arbitration Commission in this country, and the National and Liberal Parties, claiming to speak for farmers, said that we had to go to the umpire. The shearing industry is one of the hardest and most arduous in this country, where people work by the sweat of their brow and the strength of their back. It needs to be explained to some of these people who do not seem to have too much comprehension of industrial policy that the price that has been negotiated on behalf of farmers by farmers with the trade union organisation is not a maximum price; it is a minimum price.

Three or four years ago, when prices were being propped up by inappropriate means and great profits were being made, I did not see any application by farmers and the UF&S to increase the price for shearing sheep, so it is a myth to say this is the wrong time for increasing the rate for shearing sheep. There has never been a good time. In fact, what is happening within the shearing industry disturbs me greatly. What is happening out there is that the UF&S, on behalf of some of the farmers (those who turn up at UF&S conferences; the majority of our farmers do not and they seem to have a grip on reality and see how the world works), wants to introduce what it believes is this wonderful plan in New Zealand. There are about 3.25 million people in New Zealand and, if these conditions are so very good, I really have to ask myself why 440 000 New Zealanders are in Australia.

The Hon. T.G. Roberts: They are economic refugees.

The Hon. R.R. ROBERTS: That is right. I do not want to go too far back in history, but it seems to me that Australia and New Zealand have had very good relations, despite a difference in cricket and rugby, with a camaraderie between the two nations. This was borne out, one supposes, by the ANZUS arrangements 40 years ago. What is happening today is that those friendships are being tested to the extreme whereby unfortunately we have people from New Zealand coming to this country, being aided and abetted by people who wish to break down the working conditions in Australia, introducing New Zealanders into South Australia and breaking the awards and conditions that have been fought for, and argued before and confirmed by the industrial relations system in this country. In South Australia alone, if you happen to be carrying a kitbag and say you are from New Zealand, you can get a job in the shearing industry, and it has been put to me that on many occasions our award conditions are being broken down. I think this is fairly scandalous stuff. I have made some remarks, and I know the Australian Workers Union has made representation to Government and tried to sort out this matter amicably. It has used every means of consultation and discussion to get reason back into the shearing industry and it is being wiped off. I would suggest that many members of the UF&S say constantly to Australians that we need a fair go; we need to buy Australian. Campaigns are running at the moment which say, 'Get real, get wool'. What they

are suggesting is that that we ought to support Australian products.

If these people who have been supported by the Australian community for the past 30 or 40 years are real themselves, I pose this question to all of them—to the Tim Scholes of this world: why do they not employ Australian, if they are so patriotic and demand that the community buy Australian? There are Australian shearers all over this country out of work, and they have been selectively put out of work by people who deliberately employ New Zealanders at the expense of Australians. I think the time has long gone where consultation and sensible discussion get results. I believe the members of the Australian Workers Union, John Dunnery and others, have done everything possible to try to resolve this issue on a sensible and cooperative basis, but they have not succeeded.

Mr President, I have heard of a number of occasions where award conditions have been broken down by people from New Zealand working for farmers in this country. I give notice to the Council that I intend to undertake consultation with people within the shearing industry. I intend to make use of a technique that was introduced by Derryn Hinch: I think it is probably time that we had a shame file. What I intend to do is: where I hear of breaches of the awards taking place, I will be asking questions in the Council and for the Minister to send Department of Labor inspectors out to those particular properties, and I will name them. What I believe about the New Zealand situation is that it is not only unfair but indeed un-Australian. In closing my remarks, I do thank Her Excellency Dame Roma for her contribution on the opening of Parliament.

The Hon. T.G. ROBERTS: I rise to second the motion. In doing so, I would like to highlight the area of optimism that was presented in Her Excellency's speech on the Government's view on making some major reforms to present policies, which will have a major bearing on the future development and economic security of this State. I find that points 3 and 4 are probably the most important issues that this State faces, in its survival mode in coming to terms with maintaining an industrial base within South Australia. I also note the comments made by Her Excellency in noting that farmers had had the best opening rains for a decade—and that is broadly across the State. But I must say that, had it not rained so heavily last weekend, many of the farmers on the West Coast would have been in a spot of trouble; but fortunately in between Her Excellency's speech and my rising in the Council to second the Hon. Ron Roberts's motion heavy rains have fallen over most of the State, which will continue the good opening rains in the agricultural areas. I shall not get into the agricultural politics that the honourable member got into, but I hope that between now and harvest time everything else goes well. I think we will be heading for pretty good seasons in the agricultural area right across the board.

The reference that Her Excellency the Governor made to the Government setting up and establishing the Economic Development Board relates to initiatives that the States need to take in their competitive fight, particularly States that are not a part of the eastern seaboard, in order to maintain an industrial base in this nation at this point in time. In particular, the States that have been disadvantaged by some of the dismantling of tariff barriers since the early 1970s certainly need to work a lot harder to maintain their share of the industrial base of the nation, in addressing some of the questions in relation to the Federal Government's position on One Nation. One Nation itself sets out a series of aims and objectives in trying to revitalise the industrial base of the nation, putting together an industrial relations base to be able to achieve it, putting together a national transport system to achieve it, putting together a national power grid to achieve it, and a number of other initiatives that require State cooperation in developing a single nation attitude towards maximising our opportunities in the international world.

To some extent that raises a lot of separate questions in relation to how States operate within a Federal system. I will not elaborate too much on some of the changes that are predicted, not only by the Labor Party itself in relation to how it sees State Governments reacting, in conjunction with regional governments. The debate has been flowing about the role of the Legislative Council in all that process. The debate has been flowing on the role of regional governments, on how governments operate in that process. But I think the responsibility behoves all people in all those areas to have a look at the structures that we need and require to support regional and State initiatives, in trying to achieve some of the objectives set out in One Nation.

In the late 1960s Australia had a mineral boom. It also had a period in the late 1950s where it had a primary products boom, and to some extent in the 1980s it had a paper boom on credit, if you like, that took away the emphasis on the need for Australia to become a major manufacturing country. Until the late 1960s Australia was regarded as the lucky country and it did not really have to try too hard to maintain the standard of living for its residents, and the world clamoured to our door for the commodities that we produced. That no longer applies. Australia now has to put together a manufacturing base that secures its future, and each State has to play a role in that One Nation view and idea and, in relation to that, South Australia, because it is not particularly well placed geographically, and with population levels that are not as high as those in the eastern States, has to be far more lateral thinking in the way in which we come up with ideas to maintain the standard of living that South Australians expect.

The Crawford report in the early 1970s started to come to grips with the changing nature of Australia's circumstances, and it was the Jackson Committee and the Crawford report that set a lot of the academics in our universities and institutions debating the future of Australia's economy and its balance, and the signals were certainly sent out very strongly to the then Fraser Government, and to some extent in the early days to the Whitlam Government, that the tariff protection that many of the Australian companies were hiding behind had to change and that they had to become internationally competitive.

One of the recommendations out of the Jackson Committee at the time was to achieve the necessary social consensus in favour of change, and the means of implementing change. The Jackson Committee proposed a

system of consultation, embodied in industry councils for each major industry, a State manufacturing council, to integrate the policies on a regional level, and an Australian manufacturing council at a national level. At each level, firms, trade unions, Government departments, consumers, and other affected interest groups were to be represented on the proposed councils. I can tell you, Mr President, that, on coming into power in 1983, some of those stated objectives in the Jackson Committee report had been debated and rejected by the Fraser Government. The Fraser Government went into a mild form of economic rationalism and it was not until 1983 that some of the goals spelled out in the Jackson Committee report were picked up.

The Federal Government, at the time under Bob Hawke, picked up the objectives and proceeded to put some of the recommendations into place. A wages policy was developed and tripartite consultation processes were put in place. At that stage (in the early stages) economic rationalism was not a consideration by the Government of the day, and I must say that that changed as the life of that Government proceeded.

In a paper presented by Lionel Orchard of the Graduate, Program in Policy and Administration of Flinders University on 12 February 1992 (and this is an explanation given by Geoffrey Barker who wrote an article to the *Age* on 11 October 1991) economic rationalism is defined follows:

> . . . economic rationalism entails a commitment to a number of 'mutually reinforcing beliefs', the main ones being the negative concept of freedom, limited government, and free-market economic organisation. These ideas go together in the following way. The only liberty worthy of the name is that which allows the maximum space for unfettered individual choice and minimum coercion through government. Private markets are the best institutional arrangement to ensure this.

That is a generally accepted definition of economic rationalism, and on that basis Australians are now given two stark choices about the way to proceed. The Australian economy is in the same position as are many other international economies, and Australia has to be prepared to move into a growing mode so as to hopefully take part in an economic recovery that will be internationally and cooperatively achieved.

If we go down the path of economic rationalism, which appears is the stated intention of the Conservatives at the Federal level, Australians will clearly be given a stark choice. There is no movement at all from the Conservatives; in fact, there appears to be debate going on within their own ranks as to how to proceed, because it is quite clear that internationally economic rationalism has been given the big boot.

Britain, which was supposed to have been one of the leading nations for economic rationalism, is now in deep trouble, and it is considered that, if the new initiatives as put forward by its Prime Minister to compete against the German deutschmark to make the pound the new-found financial base for Europe are proceeded with, Britain will go into further and further decline because it is not a resource-rich country and to survive has relied on the manufacturing sector and, to some extent, on the farm sector. It is now trying to become the financial service sector of Europe and it has been doing it on an economic rationalist plan. It appears now that not only will the northern sectors become wasteland but the Midlands and south could possibly suffer even further if it keeps going down the track it is going.

European countries have separate problems, some associated with economic rationalism and some associated, historically, with home-grown problems. The United States went down the same path and has suffered the same decline. Hopefully, internationally people are now starting to reject the proposition that markets will find the real level that should prevail and deliver standards of living that people have come to expect. However, that has been shown internationally to be a theory only and just does not work.

The pain associated with economic rationalism has been felt all around the world. It appears that Mr Hewson is a very slow learner. We will be put into a position of having to dismantle our whole industrial relations system. If we are faced with a choice, possibly next year, people in Australia will have a clear, definitive decision to make between the discredited economic rationalist arguments that have been put by the Conservatives and a social-democratic argument that is being placed before us by the current Prime Minister, Paul Keating.

The one common factor that we all face is that the economy has to be revitalised to make sure that the levels of unemployment that we currently face are not with us for very long. I suspect that the Labor Government's critique and rationale around 'One Nation' will be the driving force to put that together. I would hate to think of what will happen if we have a whole restructuring program to put into place to bring us into the year 2000 with a manufacturing base while at the same time we fight with our own people to try to enforce a system that, in most cases, will be rejected as an outmoded theory and as a confrontationist approach to rebuilding Australia's industry, as is the New Zealand case.

South Australia is starting to put together its own programs, critiques and reviews. There has been a little noted document—in fact, I used it in my last Address in Reply—called the Manufacturing Advisory Council Industrial Policy Statement, a policy statement put to the Federal Government in 1990. It is a pity that the Federal Government did not take more notice of it. The executive summary of the MAC report of 1992 states much the same thing as the MAC report of 1990 but is able to draw on the fact that it was right in 1990 to reiterate the major points it is making in 1992.

The Arthur D. Little report, which is a much trumpeted and perhaps more advertised document, does not have the same content, body or credibility the MAC report has, but I guess it is a matter of people making their own assessments and coming away with the report that they believe is the one that states the case more accurately. The MAC report executive summary is as follows:

> The submission focuses first on the Garnaut Report and its recommendation to eliminate Australian import barriers and anti-dumping legislation. This approach is strongly rejected. The report's rationale, based as it is on general equilibrium theory, is criticised in that it takes no account of the imperfections by which the real world diverges from that of economic theory.

Basically, that is an argument between economic rationalism and the theory of or creating level playing fields. The jargon itself probably does not lend itself to levels of understanding that might be expected broadly, and I have some criticism of the way in which this document is pitched. But, in terms of the content of the

document, I think it is quite accurate, and it is a pity that the people who were watching economic cycles did not take more notice of the 1990 MAC submission and put their investment programs into the manufacturing sector instead of real estate and buildings. One only needs to look around Adelaide to see the returns that that is making.

Unfortunately, Australia wasted a lot of opportunities in the 1980s. Although the Government did have a Federal plan for revitalising industry at both the Federal and regional State levels, unfortunately the entrepreneurs of this world grabbed hold of the investment moneys that were available, and we ended up with a whole list of wasted investments that are producing nothing. It actually starved money from the manufacturing sector and put it into areas that had little or no hope of any returns.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: The honourable member interjects 'John Bannon', but it was the State Bank that became entrepreneurial. Christopher Skase—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —went into receivership and he had borrowings of $1 billion in doubt. Also involved were George Herscu went into receivership and left $500 million worth of bills. Abe Goldberg, Bob Ansett, GIRVAN Corp, Laurie Connell, Brian Newell, Bruce Judge, Bond Corporation, Bell Resources and the Western Australian Government—the list goes on and on.

The Hon. G. Weatherill interjecting:

The Hon. T.G. ROBERTS: And Westpac, as my friend reminds me. Many of the banks that went into the entrepreneurial areas tried to make money out of moss just did not look at the industry sector that creates and maintain standards of living, that is, the manufacturing sector. They decided to go into corporate takeovers and speculation in the financial and building sectors. I do not know how many lessons Australia must have, but in each decade since 1950 we have had in some cases real (but in other cases illusionary) booms.

The definition of 'boom' in the dictionary is that a boom is a hollow report: certainly, we have had many hollow reports lately. The direction and flow of money cannot be legislated for. One can put together plans and infrastructure, and Governments can spend money to assist the manufacturing sector to make sure that it directs its investment into the right areas, but one cannot make those people who have the investment funds invest in manufacturing.

One can make it easier by offering provisions for investment/taxation trade-offs. Clearly, the 40 per cent investment trade-off that the Fraser Government allowed had the effect of bringing new plant and equipment into Australia. However, in the main we must offer tax initiatives through investment allowances and tax breaks on write downs for the financial and manufacturing sector even to look at the manufacturing area. In some cases we may be dismantling tariffs, but we are directing taxpayers' money into corporations that then transfer their money out of Australia by pricing mechanisms that are suspect.

There needs to be a commitment by the manufacturing and finance sectors to investing in industries that will give Australia a footing and a base. That is where South Australia needs to tap into the One Nation statement in order to ensure that its share of the One Nation investment is picked up and that South Australia, along with all the other States, has the ability to put together a broad base manufacturing sector that supplies the jobs that will be required into the year 2000.

It is totally unacceptable for levels of unemployment that we now have to be maintained. The Youth Summit went some way to identifying some programs that might be put together for young people, but we certainly need a revitalisation of the manufacturing sector to pick up those jobs that are required to bring back to a realistic figure the unemployment levels that we are now looking at. Each downturn appears to bring about a guarantee of an extra 2 or 3 per cent on what is regarded as full employment. In the 1960s, full employment was regarded as 2 per cent unemployment; in the 1970s, unemployment during boom periods remained around 4 per cent; in the 1980s it was 5 and 6 per cent; and in the 90s people are now talking about 6 and 7 per cent being almost full employment.

It is my view that we cannot accept 6 or 7 per cent as being full employment; there must be other ways in which people are employed or other ways in which society structures itself. In the dim dark days of restructuring during the 1970s, when the first tariffs were being dismantled, people were applying themselves to how we could allow more people to participate in work and still maintain the standards of wage levels required for people to exist.

There was much discussion at the community level through trade unions, through Government, and through women's organisations, and so on, about how to share the available work. Now people are saying that shorter hours are one way in which a broader range of people can participate. Others are saying that work sharing is a way that more people can be seen to be participating in work, and I guess other arguments are being put forward in other forums for part-time work, for casual work and for permanent part-time work.

The only caution I would make about those possibilities is that people must be protected by awards and agreements to ensure that they are not being exploited. Part-time work was going to be a boon for women, particularly in the 1970s and 1980s, to make sure that hours would be made available to bring a broader range of people into the work force, and that did occur. From 1983 to 1992 an extra 1.5 million jobs were created, but most of the jobs became available in part-time or casual work.

There is nothing wrong with that if that part-time casual work lines up with the financial requirements of the people who are involved in those industries. At the moment many women are doing three or four part-time jobs to bring in one total income. Outwork is becoming rife in some industries—not so much in South Australia but particularly in the Eastern States—in the dismantled clothing, footwear and textile industries, and it is in these difficult times of high unemployment where exploitation occurs. The proposition that MAC put forward in its submissions to the Federal Government is that it is that Government's responsibility, in conjunction with the States, to provide the climate and the investment struc-

tures so that manufacturing industry can go forward. At page 1 of its 1992 submission, which was released only last month, MAC states:

> The South Australian MAC does not seek reconsideration of the tariff issue, but programs to extend the One Nation Statement and achieve its benefits sooner and/or more readily. The South Australian MAC does not seek the postponement of change but the orderly restructuring of mature industries and the accelerated development of the industries of the future.

That appears to be the targeted argument of the day. Many people are now saying that the restructuring of industries and the dismantling of tariffs must slow down to maximise the participation of people in the work force, because 12 per cent unemployment is totally unacceptable. It is no good dismantling industries and bringing about rapid structural and social change if there are no industries taking off or being replaced to accept those people who are thrown onto the scrap heap.

Training and retraining programs are now being put together by State Governments to try to direct people into alternative work, but at the moment no structures are taking up the displaced people who are coming out of industry at the moment. Many people are saying that there should be a slowing down of that process so that, when the economy does pick up, those structured changes can be accelerated or can take place at a more rapid rate if there are industries picking up the surplus labour that is falling from some of the restructuring programs that are going on. I refer specifically to the textile, clothing and footwear industries. Many of those people are migrant workers and many are women. However, new industries are not starting up for those people to enter. Training programs are being commenced.

During the break I talked to some people in the southern regions who had been displaced from the clothing, footwear and textile industries. They were all women who had been retrenched at one particular firm. They said that the TAFE programs were excellent and that they were gaining good training and attending retraining programs, but they could not see where the new jobs were going to come from in order that their skills could be developed and used. There was a certain amount of pessimism in developing and working through some of these retraining programs.

From now on there has to be a lot of lateral thinking about the development of these new industries, and I think much consideration has to be given to new forms of work structures. One of the ideas being floated at the moment is training programs initiated through the Labour Adjustment Programs (LAP), which are being funded by the Federal Government to retrain people from industries that are either slowing down or have closed. In developing alternative work programs, one must ensure that those people are trained to be able to use their skills. I do not believe that they can wait for the economic climate to improve so that they can gain employment, because they may wait for some time. I believe they will have to put their skills into developing either small industries or cooperatives on their own. That means that funding has to be provided. They may be able to pick up special industries associated with their own training and try to find employment through lateral ideas on how to manufacture items and to target growth areas where demand could be met by import replacement through these training programs.

If we are to wait for large overseas companies to target South Australia for investment, many people will be disappointed. We are in direct competition with the Eastern States in attracting investment into our manufacturing sector, and I suppose the best example is the MFP, where the Queensland proposal is still attracting investment, even though it is not called an MFP, because the overseas investors have found a more favourable climate and area in which they can invest.

South Australia needs the cooperation from all bodies at a tripartite level, that is, the Government, the employer organisations and associations and trade unions. They must sit down and work out arrangements and wage structures, et cetera, so that there is a certainty and confidence about maintaining an industrial base in South Australia. There is not one country in the Western world which has an industrial base and which does not enjoy a good standard of living. An industrial and manufacturing base is critical to maintaining the employment opportunities that we require in this State in order not only to grow but also just to maintain our population levels.

The importance of the MAC proposals in relation to the Government's position in developing the One Nation concept is vital. As legislators, we are looking at probably one of the busiest periods imaginable. If one goes through old *Hansards* during periods when economies have turned around and picked up, one sees that legislative changes tend to accelerate, but past legislators have not been placed in the position in which we find ourselves.

We are experiencing rapid economic and social change. The world itself is in a period of flux. New trading groups and new nations form each day. New opportunities are developing, doors are opening and closing and State and national Governments need to be flexible. They must maintain their international contacts with regard to trading opportunities.

I think it is incumbent on the education system to ensure that young people of school leaving age who go into the work force are flexible enough to handle the new approaches that are required. Many people at management level, in trade unions and in many of the decision-making processes rely on some of the old, more conservative, ways of operating, but I am afraid we do not have the luxury of being able to determine many of our immediate changes and our ideas based on many of the conservative structures and views that we have had.

As legislators, we will be put in a position where the public debate will lead us to look at changing much of our structures, the way that Parliament operates, the way that regional Government is structured and the way that States feed into the Commonwealth. If South Australia is not able to convince the Federal Government that its structure is sound enough to support a major section of the manufacturing industry linking into the Eastern States, we will have failed in our task.

The training programs that are being implemented offer some hope for developing an educated work force that can take advantage of the upturns which, hopefully, will eventuate. I think that the leadership qualities of most of our management people and, I will say, of those in Government and in the trade unions will allow us to

devise a package of programs that permits the State's manufacturing base not only to survive but also to thrive.

Hopefully, South Australia will have a balance between a reliance on primary products, on mineral wealth tourism, service, and development and a sound manufacturing base. I hope that, with the speech that Her Excellency puts together this time next year at the opening of Parliament, the economic problems that we face through recession will have turned around, that the training programs and packages that are being devised are of benefit so that people can enter the work force, and that the problems associated particularly with youth, the middle aged and older unemployed will have been solved.

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

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 4.41 p.m. the Council adjourned until Wednesday 12 August at 2.15 p.m.