LEGISLATIVE COUNCIL

Wednesday 19 August 1992

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

CITIZEN INITIATED REFERENDA

Petitions signed by 547 residents of South Australia concerning citizens initiated referenda and praying that the Council call upon the Government to hold a referendum, in conjunction with the next South Australian local government elections, as a means of determining the will of all South Australians in this matter were presented by the Hons. I. Gilfillan and Diana Laidlaw.

Petitions received.

OMBUDSMAN'S REPORT

The PRESIDENT: I lay upon the table the report by the South Australian Ombudsman concerning alleged files held by the State Bank. I advise the Council that the Ombudsman has since indicated to me that he may be pursuing further inquiries in relation to this matter.

PAPERS TABLED

The following papers were laid on the table:

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

Department of the Premier and Cabinet—Response to the Report of the Economic and Finance Committee—Public Sector Asset Management Developments 1988-91.

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

Education Department of South Australia—Response to the Report of the Economic and Finance Committee—Public Sector Asset Management Developments 1988-91.

QUESTION TIME

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about the Senior Secondary Assessment Board of South Australia.

Leave granted.

The Hon. R.I. LUCAS: I have been contacted by a teacher from within the Education Department who has voiced concern about the integrity and security of the Senior Secondary Assessment Board of South Australia's computer system. The teacher says the board's computer system has become some sort of 'black hole' from which information never reappears. The teacher goes on to say:

In short, the school support moderators have been unable to support us during this crucial period of introducing SACE (the South Australian Certificate of Education) when all schools are overloaded with work because they have been unable to get a plain copy of a peice of paper submitted by us because . . . they have . . . a computer system that does not work.

The teacher said that SSABSA's computer system put out to schools, called SASO, had had problems from the outset and provided some schools with more than they bargained for as some schools had a computer virus in the SASO system. I have been informed that investigations have revealed that the virus was introduced by unauthorised access of the SSABSA system by a family member of one of the SSABSA staff. In fact, the clean-up process investigators found a pirate copy of a computer game which evidently imported the virus.

Mr President, SSABSA plays a very important role in South Australia, being responsible for the marking and scoring of results for students in their final, and most important, years of secondary education.

SSABSA also has a pivotal role to play in the successful implementation of the new two year South Australian Certificate of Education. Because of this vital role, it is essential not only that its computer system works effectively, so that schools and students can get crucial feedback on students' progress, but also that its system of computerised records is free from any outside interference or corruption. Any suggestions that illegal entry to the system has been obtained by outsiders, the possibly secondary school age students, must be viewed with grave concern. My questions are:

1. Is the Minister aware of problems with the SSABSA's computer system, and specifically with the school's system (SASO) and, if so, what steps have been taken to restore acceptable support to schools?

2. Is the Minister aware of the computer virus found within the SSABSA's computer system and, if so, will he confirm that the corruption was imported by unauthorised users of the system?

3. Will the Minister investigate the allegations that illegal entry into the SSABSA computer system by unauthorised persons has occurred and, if so, outline what increased security measures have been put in place to prevent this recurring?

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

COURTS RESTRUCTURING

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

Leave granted.

The Hon. K.T. GRIFFIN: I have been provided with a copy of a judgment by Judge Lunn in the District Court on 5 August in the matter of *R v Schettini*. The facts are somewhat complex and the issue is rather technical but in essence the facts are that Schettini was sentenced to 12 months imprisonment in the Central District Criminal Court in 1991, the sentence was suspended upon him entering into a bond to be of good behaviour. Several months later, Schettini pleaded guilty to another offence and was convicted in the Para District Magistrates Court. Such a conviction therefore meant that his good behaviour bond had been breached and because of this

the matter was referred to the District Court for sentencing under the Criminal Law Sentencing Act.

In the District Court, Schettini tried to withdraw his plea of guilty on the second offence but the court said that, because of the significant changes to the structure of the courts, which came into effect in July this year, a District Court judge could no longer exercise the jurisdiction of a Court of Summary Jurisdiction (now a Magistrates Court) as previously both judges of the Supreme Court and the District Court were able to do. This decision may in fact mean a restriction not only on the powers of a District Court judge but also on the powers of a Supreme Court judge. Judge Lunn's decision means that the application by Schettini to withdraw his plea of guilty must go back to the Magistrates Court where it was recorded, but there is the additional problem that, under the legislation, the Magistrates Court may not have jurisdiction to impose a penalty for breach of a bond imposed by the District Court. In his judgment Judge Lunn says:

> If my conclusions above are correct, there is an urgent need for legislative intervention to enable the District Court to sentence defendants for summary offences where it is appropriate that those summary offences should be dealt with in conjunction with other matters properly before the District Court.

There is an interesting sidelight in the judgment of Judge Lunn—not relevant to the key issue—whereby he says that on 12 May 1992 there was an application sworn by a clerk in the Attorney-General's Department seeking revocation of the suspension of the previous sentence, and there was another application by a clerk in the Attorney-General's Department seeking the same remedy on 2 June, and Judge Lunn refers to that as being a situation that has caused considerable confusion. My questions in relation to the principal matter are as follows:

1. Is the Attorney-General aware of this problem of jurisdiction raised by Judge Lunn, and does he agree that it is a serious problem likely to cause difficulties as well as additional costs to defendants?

2. If he is aware of it, is it the intention to introduce legislation to deal with the issue, as Judge Lunn suggests, as a matter of urgency?

The Hon. C.J. SUMNER: First, I am not sure that Judge Lunn is right, but I suppose that until the matter is dealt with by a superior court one has to assume that he is. It is obvious—and, I am sure, would be obvious to the honourable member—that that was not intended. The capacity of judges in superior courts to hear matters in courts of summary jurisdiction was always intended. In fact, that was made clear by legislation not so long ago.

So, it is clear that the courts package was supposed to cover this situation. Supreme Court judges should be able to hear cases in the District Court and in courts of summary jurisdiction and in the magistrates court, at least across the board, both civil and criminal matters. Likewise, District Court judges should be able to hear matters in a magistrates court. If, in the drafting of the courts package, that intention has not been given effect to, it will need to be corrected.

I was aware of the matter in general terms and have sought a report on it. I will chase that up and see where it is and bring back a reply for the honourable member. It would not surprise me if over the next few months there were some technical problems with the implementation of the courts package that might need legislative amendment. It was a comprehensive rewrite of courts legislation and, although the consultation process in relation to it was extensive, it is clear that not even lawyers are infallible, and it may be that some oversights occurred in the legislation. If that does occur over the next few months, I will have no hesitation in introducing legislation to correct any unintended consequences.

AUSTRALIAN NATIONAL

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister representing the Minister of Transport a question about the future of Australian National.

Leave granted.

The Hon. DIANA LAIDLAW: Budget Paper No. 1 released last night notes on page 3.154:

> AN's interstate freight operations and its associated assets and cash flow will be taken over by the National Rail Corporation (NRC) over the next three years, with the most significant impact from 1993-94.

That is next year. The statement goes on to note:

> Provision has been made in the forward estimates for the servicing and repayment of commercial debt that AN will not be able to support in the future.

The reference to the provision for AN's debts arises from the fact that the National Rail Agreement allows the NRC to take control of Commonwealth and State rail assets but not associated debts. The debts will continue to be the responsibility of the respective Commonwealth and State rail authorities. It is apparent from the budget paper that the Federal Government's forward estimate for meeting AN's debts to the year 1995-96 is at least $120 million.

I am puzzled, however, on what basis the forward estimates have been calculated. Certainly, the Prime Minister told the ALP State convention just nine days ago that he had asked AN to provide a detailed business plan outlining an appropriate structure for AN in the future. I understand that AN has until October or November to produce this plan. However, from the budget paper it appears that someone in the Federal Department of Transport or in the Federal Treasury has pre-empted this process and nominated specific assets that the NRC will assume for AN. They also appear to have assumed that the Commonwealth has the power to hand over AN's assets to the NRC, but this is not so; the assets are subject to the rail transfer agreement, and this Parliament has the final say on whether or not they are transferred.

I therefore ask the Minister: is he aware or will he ascertain on what basis the Commonwealth Government has calculated the provision, possibly up to $120 million, for forward estimates of AN's debts, including AN's assets which the Federal Government assumes at this time will be transferred to the NRC over the next three years? Of particular interest in this regard is not only the railroader licence but also the prime locomotives and the oil concentrate traffic from Broken Hill to Port Pirie.

The Hon. ANNE LEVY: I suspect that that question should be addressed to the Federal Minister, and I should have thought that the appropriate means to do so was by a Federal member of Parliament, of whom there are quite

a number of the same political persuasion as the honourable member. However, I will refer the question to my colleague in another place and leave it to him whether he wishes to respond to a question on a Federal matter.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. M.J. ELLIOTT: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about a South Australian Certificate of Education mathematics subject.

Leave granted.

The Hon. M.J. ELLIOTT: After many years of planning, year 11 students in South Australia are now part way through the first year of the new two year South Australian Certificate of Education (SACE). My question relates specifically to a maths subject, which, when it was originally planned, was called 'contemporary mathematical application'. It has gone through two name changes and is now known as 'quantitative methods'. It will be a publicly examined PES subject in 1993.

When information was first received by schools about the subject it was a higher education entry subject; the student's final score would be able to be counted towards university entrance. Students were advised to undertake the subject on this basis. Now schools are hearing that quantitative methods may not be able to be counted towards university entrance because the universities are changing their policy on accepting it. One example (and it is one of a number at other schools) is of Morphett Vale High School, where 23 year 11 students are currently half way through the first year of this subject.

Having the universities considering changing the status of the subject puts those students and their schools in a difficult situation. That is probably understating the matter. Students planning to try for university entry have virtually wasted a quarter of their SACE studies time for that subject—a difficult amount to try to catch up in a different subject. The continuing uncertainty over the status of the subject means that the amount of lost time is increasing. My questions to the Minister are as follows:

1. Will students planning to complete their SACE program in 1993 be able to count their result in quantitative methods towards university entry?

2. If it cannot be counted, when was the decision made to change the status of the subject?

3. What does the Minister propose should happen to the students who have been studying quantitative methods and who intend applying for university entry?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place. As they also involve university decisions, it seems to me that I should refer them to the Minister of Further Education as well as to the Minister of Education.

GOVERNMENT INFORMATION

The Hon. J.C. BURDETT: I seek leave to make an explanation before asking the Attorney-General a question about Government information.

Leave granted.

The Hon. J.C. BURDETT: I refer to an article on the front page of today's *City Messenger*, under the main headline of 'Computer giants to take over all Government information'. The main article states:

> Personal details about South Australian residents would be open to massive abuse under plans to give multi-national companies control of the State Government's computer and communication networks, a Flinders University lecturer has warned.
>
> Dr Joseph Wayne Smith said alarm bells should be ringing over the State Government plan to set up an 'Information Utility' during the next two months . . .

The Hon. M.J. Elliott: The question was asked six months ago.

The PRESIDENT: Order! The Hon. Mr Burdett.

The Hon. J.C. BURDETT: Okay, I am talking about information based on today's article. The article continues:

> . . . which would see the Government's whole communication network gradually handed over to private companies.
>
> Under the utility, a group of four major companies would be given an exclusive licence over Government telephone and computer networks.
>
> The group would also take on data processing work for Government departments and agencies, including WorkCover, the State Bank, SA Police Department and SGIC.
>
> Industry, Trade and Technology Minister Lynn Arnold announced the utility in June, saying it was a major part of the Multifunction Polis and would give South Australia access to a world-class information service.
>
> But Dr Wayne Smith said the utility left itself wide open for private details to be used illegally, similar to the corrupt trade unveiled by the New South Wales Independent Commission Against Corruption last week.
>
> It was also revealed last Friday that private dossiers on high-profile people were already been kept by the State Bank, giving details of assets, financial records and personal habits. 'The public has not been given the full information on this (utility) and you have to wonder why,' Dr Wayne Smith said.
>
> The Information Utility will involve four international companies: Digital Equipment Corporation; Australian and Overseas Telecommunications Corporation; Andersen Consulting; and NTTI-LTH (Nippon Telephone and Telegraph International plus Lane Telecommunications), with the State Government holding the fifth share.

The left-hand column contains headlines with articles under them. The first headline is 'Information on South Australian Citizens in Private Hands' and the second one is 'Main Player Digital', which reported that Digital Equipment Corporation, the main player, posted a $3.73 billion loss for 1991-92. The other headlines are 'Thousands of Public Service Jobs to be Shed' and 'A Bargaining Chip for MFP?'. My questions are:

1. Is it true that the information utility will undertake the whole of the Government's communication network?

2. Will the State Government hold a fifth share in the consortium as alleged?

3. Will thousands of Public Service jobs be slashed as a result of this move?

4. Is it true that the main operator, Digital Equipment Corporation, posted a $3.73 billion loss in 1991-92?

The Hon. C.J. SUMNER: I will have to refer those questions to the appropriate Minister and bring back a reply. Nevertheless, on the question of privacy which was raised in the honourable member's explanation, namely, that there is potential for massive abuse as a result of this system, or that private details could be used illegally, I can assure the honourable member that the privacy principles which the Government has in place and which would be backed by legislation if a Bill that was before

us last session was passed would apply to information held by the information utility.

I am delighted to see the current interest emanating from members opposite in privacy issues and, again, will invite them to apply that interest to the principles of the Privacy Bill when it is reintroduced. However, as to the details of the matters raised by the honourable member, obviously I will have to get an answer for him.

FISH FARMS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question on the location of tuna fish farms.

Leave granted.

The Hon. PETER DUNN: For about two years now, there has been a sunrise industry in Port Lincoln, that is, the farming of bluefin tuna. The tuna are caught when they are between five and 10 kilograms, they are put into fish farms or into a rather large net and they are fed under intensive operations until they reach about 20 kilograms, then harvested. They are gilled, gutted, packed in ice and air freighted to Japan. After that operation has taken place, the price rises dramatically. In fact if they are canned they bring in approximately $7 to $10 per kilogram, but if they are sold as sashimi on the Japanese market, the price ranges from $45 to $50 and higher per kilogram.

It is a very desirable product in Japan, and it is expertly grown in South Australia, originally under a joint venture with the Japanese and some Australian fishermen. Indeed, it is something we would all desire, that is, it value adds, it protects the fish stock and it provides an increased export income for South Australia. As well as that, it has its tourism potential. We now find that people are interested in having a look at this operation. One company wished to establish a tuna holding net at Memory Cove, south of Port Lincoln, an area which is pleasant on its own but which is frequently used by fishers to bait their long lines prior to going to sea.

Holding tuna in nets tends to attract other fish, because they are fed with smaller fish. The fish that are attracted are often much larger, in the form of sharks. Therefore, there is a need to have these very necessary fish farms established some distance from populated areas, or at least apart from where people continuously swim and play. A lobby group objected to the Memory Cove project, and the Minister upheld its complaint.

My questions are: what are the guidelines for the establishment of these important fish farms? What assistance has been offered to the tuna industry when selecting fish farm sites?

The Hon. ANNE LEVY: I will refer those questions to my colleagues in another place and find the appropriate Minister to supply an answer to the honourable member.

RAMADA GRAND HOTEL

The Hon. I. GILFILLAN: I ask the Attorney-General, as leader of the Government in the Council, questions relating to the State Bank. Will he seek answers to the following from the current management of the State Bank:

1. Is it true that Mr Bill Sparr, the developer of the Ramada Grand at Glenelg, owes the bank in excess of $100 million?

2. Was the bank prepared on Monday to appoint receivers for the Ramada Grand because of an estimated shortfall of $100 million?

3. Did the Government request the bank not to proceed to appoint receivers while the Premier, Mr Bannon, appeared before the royal commission?

4. If not, what is the justification by the bank for the delay in appointing receivers?

5. Is it true that the accounting firm used by the bank as receivers, Thomson Simmons, owes the bank $40 million, against an asset, namely its building, of $10 million?

6. Is it true that no interest has been paid on the outstanding amount of $40 million for at least three years?

7. If so, what action is the bank board taking in that matter?

The Hon. C.J. SUMNER: I will refer that to the appropriate Minister.

FIREARMS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Emergency Services a question about firearms legislation.

Leave granted.

The Hon. J.F. STEFANI: Following numerous incidents which have resulted in the death of people through the misuse of firearms, the Minister, Mr Klunder, has made public statements about his intentions to review the current legislation in order to ensure that greater public safety would be achieved in the use of firearms by sporting and recreational groups, as well as all other members of the community.

The Minister promised a review of the Firearms Act and the relevant regulations. To achieve this objective a committee was established with representatives from various groups. As a result of the committee's recommendations, a training course was established at the TAFE college at Regency Park and appropriate personnel were seconded to initiate the training courses. Sporting clubs and other recreational firearm groups have assisted in the development of the safety courses, and South Australia could become a role model in setting the national standards for the safety and use of firearms. My questions are:

1. Will the Minister advise whether he has arranged the preparation of the amending legislation?

2. When will the new legislation and regulations be introduced into Parliament?

3. Will the Minister ensure that funding is provided beyond December 1992 for the employment of the staff involved in the courses at the Regency Park College of TAFE?

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

HEALTH WORKERS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about AIDS and HIV infected health workers.

Leave granted.

The Hon. BERNICE PFITZNER: As we are aware, some months ago in response to a dental health worker infected with AIDS, I moved that HIV/AIDS be investigated according to certain terms of reference. This motion was amended, and the issue is now being looked into by the Parliamentary Social Development Committee. However, I am still most concerned regarding HIV/AIDS infected health workers, in particular doctors and dentists who are most likely to be performing invasive procedures. The community wonder whether they have the right to know the HIV/AIDS status of their health workers, especially before an invasive procedure is to be performed on them. At present the Public and Environmental Health Act 1987 provides certain powers to the commission with respect to notifiable diseases—and HIV/AIDS is a notifiable disease.

In particular, section 33 empowers the commission to give directions to persons suffering from diseases. It provides:

1. Where—
   (a) a medical practitioner has certified that a person is suffering from a controlled notifiable disease, and
   (b) the commission is of the opinion that the person shall take or refrain from certain action to prevent the risk of infection spreading to others . . .

2. The directions that may be given to a person under subsection (1) include:
   (b) . . . that the person place himself or herself under the supervision of a member of the staff of the commission . . .
   (d) . . . that the person refrain from performing specified work or any work other than specified work . . .

My questions are:

1. Has the Health Commission a policy with regard to the protection of the general community from accidental transmission by health workers of the infection? If not, why not?

2. Does the Health Commission abide by section 33, in particular the direction that the infected person refrain from performing specified work for example, invasive procedures?

3. What strategies has the Health Commission in place to ensure that the directions given in section 33 will be complied with?

4. If the Health Commission has inadequate policies and strategies for the protection of the uninfected community, will the parliamentary Social Development Committee take this important and serious issue into its deliberations?

The Hon. ANNE LEVY: I will certainly refer those questions to my colleague in another place, but I am sure that he is not able to direct the Social Development Committee as to what it should or should not examine. It will examine the issues that have been referred to it by this Parliament according to its terms of reference, and I am sure that when it presents its report much of it will be relevant to the questions that the honourable member has asked. However, those sections that refer specifically to the Health Commission I will certainly refer to my colleague in another place.

MEDICAL PRACTITIONERS ACT

The Hon. R.J. RITSON: I seek leave to make a request of the Attorney-General concerning the answer to questions I have asked.

Leave granted.

The Hon. R.J. RITSON: Over many months I have asked the same question in varying forms about the non-proclamation for some 10 years of section 69 of the Medical Practitioners Act. Indeed, on the most recent occasion it was of such length that it caused your intervention, Mr President, and rightly so. I have now received an answer direct from the Minister. Of course, it does not explain why it took 10 years, but he has comprehensively and very courteously—and I thank him for that—answered the question substantially. I request the Attorney, if I make the answer available to him now, to consider moving for its incorporation into *Hansard.*

The Hon. C.J. Sumner interjecting:

The Hon. R.J. RITSON: The Attorney-General has indicated that he would like me to do it. Therefore, I seek leave to have the answer to the question, in the form of a letter from the Minister of Health, inserted in *Hansard.*

Leave granted.

Hon. R. Ritson MLC, 12 August 1992
Legislative Council
Parliament House
Adelaide, S.A. 5000

Dear Dr Ritson

I refer to questions you have raised in Parliament, seeking reasons as to why section 69 of the Medical Practitioners Act has not been brought into operation and what may be intended in relation to it. I apologise for the delay in responding.

The section was not initially proclaimed at the time the bulk of the Act was brought into force, as the Medical Board wished to have some months lead time to inform practitioners and put the necessary arrangements in place. It was intended that a further proclamation would be issued in due course.

The board subsequently had legal advice to suggest that the wording of the provision was not satisfactory to accommodate the indemnity arrangements which existed, albeit that the section had been carefully drafted at the time of preparation of the Act. I am informed that the manner in which the indemnity organisations are constituted, together with the nature of the cover, are such that the specificity of the wording of section 69 (1) *(b)* could not be met, in that the board could not be absolutely satisfied about the extent of the cover.

The board has proposed a substantial set of amendments to the Act, which include some change to section 69. I met with the President of the Medical Defence Association and the association's lawyer a month or so ago to hear their views generally about the proposed changes to the Act. They have put forward a suggested form of words which would appear to overcome any difficulties with section 69, which will be included in the drafting instructions to Parliamentary Counsel. It is my intention to introduce the amendments to the Act during the current session.

While I am advised that the vast majority of medical practitioners in South Australia do have indemnity arrangements, I nevertheless agree that such a provision in the Act is important as a protection against the unscrupulous practitioner, and as mentioned above, steps are being taken to ensure that the original intention of the Act is able to be met.

Yours sincerely (signed)
Don Hopgood
DEPUTY PREMIER
MINISTER OF HEALTH

SCRIMBER

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, in the absence of the Minister of Consumer Affairs, representing the Minister of Forests, a question about a Scrimber trip.

Leave granted.

The Hon. L.H. DAVIS: Last week I revealed that three South Australian Timber Corporation executives had gone gallivanting overseas and had found novel and expensive ways to spend $43 119 in just three weeks.

An honourable member: Comment!

The PRESIDENT: Yes; no point of order has been called, but I would—

The Hon. ANNE LEVY: On a point of order, Mr President: Standing Orders do not permit comment in a question.

The PRESIDENT: That is true. I uphold the point of order. The honourable member will stick to facts in his question.

The Hon. L.H. DAVIS: I first asked Mr Klunder for full details of their itinerary in February this year and, following his failure to answer this question, it was again put on notice in May this year. Then, just a few days ago, nearly six months after I first asked the question, I received an answer from Mr Klunder but it simply did not answer all the questions that I had asked. I had raised this matter following a tip-off from a concerned member of the public. I now understand that one of the three executives, Mr Campbell, who had accompanied South Australian Timber Corporation Chairman, Mr Higginson, and General Manager, Mr Roger White, on this three-week trip, in fact had only been with the two members for the Asian leg of the trip.

Apparently the timber trio went to Asia and North America in search of new markets for Scrimber. If this suggestion is correct—that Mr Campbell only went to Asia—it means that the daily accommodation and other expenses amounted to much more than my estimate of $550 a day. If, for example, Mr Campbell was away for only a week it would mean that the daily spending of the timber trio would have been a massive $750 a day for each day of the three weeks that they were away.

The Hon. C.J. Sumner: For all of them?

The Hon. L.H. DAVIS: For each of them, yes. I am assuming an amount of $4 000 each for air travel, which is probably a reasonable amount. In other words, it would have meant effectively that if Mr Campbell had only been away for a week out of those three weeks, they would have been spending $750 a day for accommodation and expenses.

The Hon. C.J. Sumner: All of them?

The Hon. L.H. DAVIS: $750 each.

The Hon. K.T. Griffin: That's not Public Service guidelines.

The Hon. L.H. DAVIS: That's right. The Attorney-General has never been as extravagant as that, I am sure, on his overseas trips. In view of the Minister's long-standing, continued evasion of this subject, can I ask the Attorney-General to obtain answers, by no later than next Thursday, from the Minister of Forests to the following questions:

1. What period of time was Mr Campbell away with Mr Higginson and Mr White?

2. Did the timber trio keep diaries of their itinerary on their trip?

3. How many separate appointments were made and kept on this three-week trip?

4. Why has the Minister been so slow to respond to the question that was first asked in February?

The Hon. C.J. SUMNER: I will refer those questions to my colleague and arrange for a reply to be forwarded through the appropriate Minister.

LOCAL GOVERNMENT GRANTS

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

Leave granted.

The Hon. J.C. IRWIN: While local authorities in marginal Federal electorates did very well out of the Keating big bribe budget, the majority of local authorities throughout Australia missed out on any new assistance from the budget grants to the councils: 412 councils benefit and 502 councils miss out. The $250 million allocated in the current financial year to the local capital works program goes principally to councils in marginal seats in other States. The majority of local authorities throughout Australia with equally worthwhile projects miss out completely in the vote-buying budget. For those benefiting councils, a burden will be placed upon them by the requirement that they contribute between 10 per cent and 20 per cent of the cost of the program. I quote from the Commonwealth Office of Local Government:

> It is expected that projects will normally involve a contribution of between 10 and 20 per cent by local councils or communities, but flexibility will be exercised. A contribution will be anticipated in cash or kind.

However, I am not sure whether the flexibility is in the cash or kind area, that is, either/or, or whether the council might be able to vary that contribution down to nothing at all. This does not appear in the Federal Minister's press release but is tucked away in the fine print in the guidelines of the proposed form. An example of this burden placed on councils will mean that the Salisbury council in South Australia, which is in category 1, on my calculation, will have to find $841 657 to become eligible for an allocation—and I think the allocation is in excess of $4 million—if it is in fact required to contribute 20 per cent in cash or kind.

The Hon. Diana Laidlaw: Do they also have to contribute workers compensation premiums?

The Hon. J.C. IRWIN: I am sure that that is still part of the problem. My questions to the Minister are:

1. Were councils forewarned about the possibility of their having to make a contribution before being eligible for their budget grants?

2. With all councils' 1992-93 budgets now set, how does the Government expect councils to fund the extra dollars that they will now require to become eligible to make use of the grants?

The Hon. ANNE LEVY: It is amazing how members opposite seem unable to distinguish between State and Federal Government. The Federal Government makes an

announcement regarding payments it intends to make to local government. This, surely, is a matter that concerns local government and the Federal Government. The questions asked by the honourable member have, as far as I can see, nothing to do with the State Government. There has been no suggestion that the money is even going to be paid through the State Government. It is entirely a matter that relates to the Federal Government and local government and I would have thought—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable member can ask a question in due course.

The Hon. ANNE LEVY: I point out to members that, as a Minister here, I am responsible to this Parliament for matters that come within my areas of responsibility in my portfolios. I have no responsibility whatsoever for what the Federal Government may allocate to local government. Obviously, I am interested, but I am not responsible or accountable to this Parliament for that area. If the honourable member wishes to have that information, it would seem to me that he would do much better if he got one of his Federal colleagues to ask that question of the Federal Minister, who presumably has that information at his fingertips. Alternatively, he could have discussions with the Local Government Association, which presumably has had discussions with the Federal Government on this matter. I am certainly interested in some of that information, but I have no responsibility or accountability for it to this Parliament.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It seems totally inappropriate that I should undertake research work on behalf of the honourable member on a matter that involves the Federal Government and local government.

The Hon. J.C. IRWIN: I have a supplementary question, Mr President. I address the Minister as Minister of intergovernmental relations. That is her correct title, which I assume would embrace—

The Hon. ANNE LEVY: On a point of order, Mr President, this is an explanation, not a question.

The PRESIDENT: I do not uphold the point of order. I think the honourable member is drawing the attention of the Council to the capacity to which the question related.

The Hon. J.C. IRWIN: I understand the sensitivity of the Minister. As intergovernmental relations Minister for the South Australian Government, was the Minister responsible for forewarning local councils in South Australia about the possibility of their having to make contributions towards being eligible for a grant from the Federal Government?

The Hon. ANNE LEVY: I am not the Minister of Intergovernmental Relations. I am sure that if the honourable member examines all the papers that are provided by this Parliament he will see that I am Minister for Local Government Relations. That is my formal title.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I can indicate that when dealing with local government the Federal Government is accustomed to dealing with the Australian Local Government Association, which is the peak body for local government in this country and, through it, with the 900-odd local government councils that exist throughout this nation. In the same way, when I deal with local government while wearing my hat as Minister for Local Government Relations, I deal with the Local Government Association, which is the peak body for local government within this State, and, through it, to the 119 councils within this State. The Federal Government does not deal with councils in this State through me.

Members interjecting:

The PRESIDENT: Order!

SCHOOL FUNDING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about funding for disadvantaged schools.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday, there was a rally for social justice on the steps of Parliament House. I quote two sentences from the flier that was put out as follows:

> State schools urgently require additional resources. They are entitled to and desperately need a significant funding concession in the forthcoming State budget.

The Government continues its refusal to recognise their plight. Minister Crafter persists in his refusal to negotiate the matter with SAIT. In fact, I understand from a speech given yesterday that Mr Crafter does not even answer letters, over a considerable period of time, let alone negotiate. Over the past three months I have taken the opportunity to visit a number of schools in the Noarlunga and Elizabeth/Salisbury areas. During that time, I have also met with quite a few parent-teacher groups from schools in those areas. There is no doubt that the students at these schools are at a great disadvantage in terms of education opportunity. The disadvantage does not relate in most cases to intellectual ability but predominantly to location. It appears that all that is holding the schools together at this stage is dedicated staff who are attacked from time to time by some people, particularly the Opposition, for not enforcing discipline in schools.

Yesterday, the *Advertiser* carried a story that described conditions in Le Fevre High School. There is no need for me to read those out as they were quite adequately covered, but from the other schools that I have I visited it appears that what is happening at Le Fevre is not unusual. The level of maintenance in many of the schools I have seen is nothing short of appalling. It is a problem not just in terms of producing very poor working conditions but, in some cases, the lack of maintenance is so bad that it is causing further deterioration. There are schools with many leaks in the main part of the roof. The leakage goes straight down into the classrooms and the carpets underneath are spoiled, and still the leaks are not fixed.

The lack of dollars being spent in these schools is a matter of great concern. I have spoken with parents, as I said earlier, about what is happening in schools, and they have expressed the view that they simply cannot win. They have given me a number of examples. The Morialta-Norwood High School, which is to be merged, as announced recently, will have $5 million spent on upgrading. The Brighton High School is about to have $6 million spent on it. These are schools in relatively

comfortable areas. Out at the Elizabeth-Salisbury area, there are five high schools being merged and they will have $1.8 million spent on them, and that $1.8 million is as a consequence of one of the schools being sold. It is just a realisation of property values. If we look at the state those schools are starting in, they are a long way behind the—

The PRESIDENT: Order! The honourable member seems to be ranging far and wide in his explanation.

The Hon. M.J. ELLIOTT: I am putting on record the state of the schools in some parts of the State.

The PRESIDENT: You are not there to put things on the record; you are there to ask a question. You asked leave to give an explanation, but I think you are extending beyond the bounds of that.

The Hon. M.J. ELLIOTT: Mr President, I think it is only reasonable that I explain the state of the schools before I ask a question about them.

The PRESIDENT: Well, not every school.

The Hon. M.S. Feleppa: You are giving an opinion.

The Hon. M.J. ELLIOTT: It is not an opinion, it is a fact. It is a fact about the amount of money being spent on various schools in different parts of the State. It is fact that the roofs are leaking and the carpets are being destroyed. That is not a statement of opinion but a statement of fact. Parents not only complain to me about the fact that less is being spent on their schools in these areas of disadvantage but they say that self help is extremely difficult. The Government quite often offers dollar for dollar subsidies for improvements in schools. The fact is that those schools struggle to raise the first couple of dollars.

The PRESIDENT: Order! The Hon. Mr Elliott will confine himself to an explanation and get on with the question.

Members interjecting:

The Hon. M.J. ELLIOTT: Unbelievable.

The PRESIDENT: It might be a worthwhile explanation, but it is extending far wider than a point of explanation for the question.

The Hon. M.J. ELLIOTT: This is far shorter than questions that are frequently asked in this place. Given the poor condition of these schools, the parents are also extremely concerned about devolution and the fact that they will have to pick up responsibility for the schools in their current state. As well as the lack of physical resources, these schools have had a very rapid influx of additional students. Many of these students are going into senior school with limited language—

The PRESIDENT: Order! The Hon. Mr Elliott will confine himself and get on with the question. He is debating the whole issue of education and schools.

The Hon. M.J. ELLIOTT: I will do that later in a speech, Mr President.

The PRESIDENT: Well, do it in a speech later, I would suggest, and I suggest that you now get on with the question.

The Hon. M.J. ELLIOTT: You've allowed much longer questions than that, Mr President. I take it that I am being gagged, so I will ask the questions. My questions are:

1. Does the Minister accept that class size is a major factor in determining educational outcomes for children in poverty?

2. Will the Minister please advise whether additional funds will be made available in the current budget for those disadvantaged schools?

3. Will the Minister be prepared to target some schools funded from the current budget for experimental purposes in terms of class size?

4. Will the Minister please give to this Council figures as to moneys spent on infrastructure at each school in the metropolitan area over the past five years?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place, but I am sure that I need not remind the honourable member that questions relating to the budget are unlikely to be answered before the budget is brought down.

FILM FUNDING

The Hon. DIANA LAIDLAW: My questions are directed to the Minister for the Arts and Cultural Heritage.

The Hon. M.J. Elliott: Make it a short one.

The Hon. DIANA LAIDLAW: They are short, and relate to the South Australian Film Corporation. Will the Minister confirm whether or not the $130 000 grant given to the South Australian Film Corporation for the production of *The Battlers* by the Government funding agency FilmSouth complied with FilmSouth's funding guidelines established 18 months ago? If not, on what ground was the grant approved, and what precedent has been set for the future by exempting the Film Corporation from the rules that must be adhered to by all other applicants for grants?

The Hon. ANNE LEVY: I will need to refer that question to FilmSouth. It is FilmSouth which received the application from the Film Corporation and made the recommendation to me. I acknowledge that any recommendation from it must be approved by me, but to date I have never not approved any recommendation that it has made to me. Certainly, the recommendation, I understand, was unanimous, and it is thanks to this grant that the Film Corporation was able to apply for and receive very generous funding (a sum of over $4 million), from the Federal Film Financing Corporation, and this will enable the film *The Battlers* to be filmed in South Australia.

All of this grant from the Federal body will be spent within South Australia. That, together with the other film that was also successful in achieving funding from the FFC, will be over $7 million, which will be spent in production of films within South Australia in the next few months. I am not quite sure what is the appropriate multiplier to use. I have seen people use a multiplier as high as nine for money spent on films but, even if it is only four or three, it means a very significant injection into the South Australian economy in the next few months from the making of these two films, of which *The Battlers* is by far the larger.

It seems to me that FilmSouth's investment has been very successful. It will result in enormous benefits to South Australia in terms of employment for those connected with the film industry and for our economy as a whole. I am very glad that they made that recommendation and that I approved it.

The PRESIDENT: Order! Time having expired for questions, I call on the business of the day.

BOATING ACT REGULATIONS

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

That the regulations made under the Boating Act 1974 concerning commencement of the hire and drive regulations, made on 30 April 1992 and laid on the table of this Council on 5 May 1992, be disallowed.

As the substantive regulations were disallowed by the Council on 29 April this year, these regulations now have no effect. Accordingly, I move that they be disallowed.

The Hon. J.C. BURDETT: I support the motion. Members may recall that there was debate on the substantive motion about hire and drive vessels, yachts and other similar kinds of vessels. The motion had been moved by my colleague the Hon. Dr Ritson, and there was substantive debate about the issue as to whether these regulations were suitable. In the event, the regulations were disallowed.

A subsequent regulation was introduced, and that is the subject of this motion. It referred to and dealt with some aspects of the substantive regulations. The substantive regulations having been disallowed, the subject regulation is redundant and non-operative, and the simplest way of getting rid of it and cleaning up the situation is to disallow it.

Motion carried.

REMUNERATION ACT AMENDMENT BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Remuneration Act 1990. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

The Bill is a very simple measure which is designed, in essence, to achieve, two things. It seeks to amend the Remuneration Act 1990, which establishes the Remuneration Tribunal, which in turn sets the remuneration of many of the senior public people in this State, including judges, magistrates, commissioners in the Industrial Commission, commissioners of the Planning Appeal Tribunal and, through reference from other Acts, other remuneration including allowances for members of Parliament.

In the latest determination for members of the judiciary, commissioners of the Industrial Commission and commissioners of the Planning Appeal Tribunal published at page 1896 of the *South Australian Government Gazette* of 25 June 1992, the judicial salaries are spelt out. The top salary for the Chief Justice of the Supreme Court is $158 064 per annum and for the puisne judges of the Supreme Court it is $143 129 per annum. I do not intend to read through the list, because the salaries are there for members and others to see. Suffice to say that the lower levels of this bracket are the stipendiary magistrates at $96 066 per annum, the supervising industrial magistrate at $96 066 and other industrial magistrates at $96 066 per annum. I think it is reasonable to observe that those are handsome and more generous salaries than those enjoyed by members of Parliament.

The Hon. R.J. Ritson: But not as high as the State Bank.

The Hon. I. GILFILLAN: I will not be tempted into referring to the State Bank. As predicted, there was a public outcry in the media as to the levels of these salaries and I think that will be par for the course, whatever the circumstance of setting salaries. To that extent, this Bill is not aimed at removing any grounds for the sort of debate and argument that will take place when salaries of this nature, including parliamentary salaries, and any increases to those salaries are discussed publicly. However, the major point of this debate was that the case for establishing salaries for South Australian judges and magistrates is totally detached from the social and economic situation in this State and is argued purely on the basis of relativities to other States and the Commonwealth.

I think it is a strange anomaly that, in virtually every other debate and matter that is addressed in this place and throughout the State, the question of the ability of this State to pay, to hold business and industry, the cost of living and wages are all regarded as peculiar to the economy of the State of South Australia when compared with other States and with a level that might apply in the Federal scene. So, we are not just one amorphous piece of a uniform whole; we are a Federation of States, and South Australia has its own economy, its own budget and its own problems. It seems to the Democrats quite extraordinary that officials exclusively serving this State should have their remuneration set in circumstances totally detached from any consideration of the State's ability to pay, from the economy, and from the general prosperity of the State.

The first clause in this Bill is to be inserted after section 15 of the principal Act. With the heading, 'Tribunal to have regard to principle of judicial independence', section 15 provides:

The tribunal must, where appropriate, in determining remuneration under this Act, have regard to the constitutional principle of judicial independence.

The amending clause 15a, under the heading 'Tribunal to have regard to prevailing economic and social climate', provides:

The tribunal must, in making any determination under this Act, have regard to the economic and social conditions prevailing in this State at the time and consider whether, in view of those conditions, it should refrain from increasing, or reduce, any proposed increase in any remuneration.

Surely all members can see that that is a reasonable requirement for the tribunal to consider. The amendment will enable the tribunal to have the freedom to assess the economic strength or otherwise of the State and to set the remuneration accordingly.

One of the arguments that has been used by those representing the judiciary, and, in particular, Olsson J of the Supreme Court, is that there is no power in the tribunal's legislation for it to award a motor vehicle—and I will come to that in a moment—and, in fact, the legislation is quite restrictive in that regard. I do not believe that the current Act prohibits the tribunal from taking into account the economic situation in South Australia when fixing remuneration, but it seems to be much more readily persuaded at this stage by argument to

set the remuneration equivalent to those standards applying interstate on the combined presentation, as it was at the last hearing, from the judiciary and from the Government, strange as it may seem.

So, with this amendment, we will introduce into the Act not the compulsion that the tribunal reduce the remuneration but, rather, the option for the tribunal to refrain from increasing or to reduce any proposed increase if, in its opinion, the economic and social conditions prevailing in this State at the time require it. The first of the two aims of the Bill is to give the tribunal the obligation and the power to consider the capacity of the State to pay when setting the level of remuneration of judges, magistrates and commissioners.

The second matter is the question of awarding a car. I will quote briefly from two letters, which I will seek leave to table. I first ask leave to table a letter dated 19 February 1992 to the Secretary of the Remuneration Tribunal, Mr Packer, and written by the Crown Solicitor, Mr B.M. Selway.

Leave granted.

The Hon. I. GILFILLAN: The second letter I seek leave to table is dated 19 February 1992 from the Hon. Justice L.T. Olsson to D. Packer, Esq., Secretary of the Remuneration Tribunal. I point out that there is a typographical error in that date. As I indicated, that letter is from the Hon. Justice L.T. Olsson, who is the Chairman of the Judicial Remuneration Coordinating Committee (JRCC).

Leave granted.

The Hon. I. GILFILLAN: The question of the awarding of cars is a vexed one, because nobody denies that cars should be provided to people who serve this State and who require a car quite specifically for their task and work. No-one denies the right of judges, commissioners and magistrates to have adequate transport to do their job. However, it is a different matter when the provision of a car or any other non-pecuniary benefit is given in lieu of salary. I realise that this practice is wider than this determination by the tribunal, but the facts still remain the same. In this case, judges are receiving a substantial increase in salary in such a way that in fact reduces the tax that would otherwise have to be paid, were that benefit to be received through an increase in salary.

An honourable member interjecting:

The Hon. I. GILFILLAN: But income factors are involved. In relation to the estimated value of the type of car involved, that is, the six and four cylinder cars that are listed in the determination, I will read into *Hansard* the provision clause from the determination, which is clause 6 entitled, 'Provision of motor vehicles'. It states:

(1) Members of the judiciary holding the offices of Chief Justice and Puisne Judge of the Supreme Court, Senior Judge of the District Court and President of the Industrial Court shall, upon making arrangements for payments into Consolidated Revenue at the annual rate of $726 per annum, be provided with a six cylinder private plated motor vehicle for official and full private use. This charge will be increased by CPI movements effective from 1 January each year.

(2) Members of the judiciary holding the offices of District Court Judge, Master of the Supreme Court and Deputy President of the Industrial Court shall, upon making arrangements for payments into Consolidated Revenue at the annual rate of $726 per annum, be provided with a six cylinder private plated motor vehicle for official and full private use, or at the annual rate of $519 per annum, be provided with a four cylinder vehicle for official and full private use. These charges will be increased by CPI movements effective from 1 January each year.

(3) Members of the magistracy, the State Coroner and Industrial Commissioners shall, upon making arrangements for payments into Consolidated Revenue at the annual rate of $519 per annum, be provided with a four cylinder private plated motor vehicle for official and full private use.

(4) The motor vehicle provided shall:

(a) in the case of the Chief Justice and Puisne Judges of the Supreme Court, the President of the Industrial Court and the Senior Judge of the District Court, be of the same general standard as provided to Chief Executive Officers in the public service, viz.: Holden Calais, or Mitsubishi Verada Xi.

I will not read subparagraphs *(b)* and *(c)*; suffice to say that the four cylinder car that is offered to lower echelon judges and magistrates is the equivalent of the Magna Executive or Toyota Camry Executive.

Looking briefly at the value of this vehicle, I will quote from two sources. An *Advertiser* article, which was written by Shaun Whittington, on 30 June 1991 and which is headed 'Running Car Tops $270 a week', states:

Running the average six-cylinder family car now costs about $200 a week, or more than $10 000 a year, new figures released tomorrow show.

Without going through the article, it spells out estimates from the RAA regarding the cost of running six and four cylinder vehicles. A Toyota Corolla, which is an even smaller car than the Camry that we are talking about, is estimated to cost the owner $137 a week, or more than $7 000 annually.

The Hon. R.I. Lucas: How about a Volkswagen?

The Hon. I. GILFILLAN: I would provide that information, but Volkswagen is not listed—especially not a vintage Volkswagen. Members may be curious to know whether we can compare those costs, which are conservatively estimated at $200 a week, with the benefit that the judges are receiving. I argue that, indeed, we can, because they are provided not only with the car but with all ongoing costs, namely, registration, insurance, maintenance and petrol. So, it would not take any member in this place long to come to the understanding that for $726 a year, roughly $13 a week, the judges are doing very nicely.

From calculations that have been provided to me, I believe that the actual benefit would be at least $12 000 a year increased prosperity for the recipient, which translates into an amount of $23 000, if the salary had been increased to receive this benefit. Advice I have received states that, assuming the benefit to a member of the judiciary for the provision of a motor vehicle is estimated at $12 000, the increase in salary to obtain this benefit after tax would be more than $23 000. So, it is quite clear that this is a significant increase in benefit to the recipients, and it is fair to say that it is equivalent to an increase in salary of approximately $23 000.

If you want to carry the argument that the judges need these cars, I do not believe that even the judges themselves and their representative, Justice Olsson, believe that that was the basis upon which it was argued in the tribunal. I will quote from a letter of 19 February which I have tabled and which is addressed to the Secretary of the Remuneration Tribunal. At page 3, it states:

There is also a most compelling practical reason why the tribunal should not seek to review its earlier decision. If it did so and decided not to make further prescriptions as to vehicles it

would potentially expose the Government to a direct monetary liability much greater than that which it now bears. The national remuneration package is now clearly of a value of $153 491 at the puisne judge level, of which a significant element is the value of a car. That monetary amount is actually paid in Queensland and New South Wales, and in Western Australia and in the Federal jurisdictions a car is actually provided so as to take the value of the total package to the same level. In Victoria the Connor/Marks inquiry is asked to make recommendations as to this very topic. Logically, if a car is not provided, the national standard demands a major monetary increase. This factor alone demonstrates the undesirability of reopening the earlier decision, which was, in any event, soundly based in law.

With respect, it would be a bold decision for the tribunal to proceed upon the rambling assertions of two law students—

(I will refer to that matter at another time). When the judge refers to two law students, he is referring to Mr Steve Thomson and a colleague—

the earlier portion of whose submission both ignores the express provisions of the statute and displays a total lack of understanding of general industrial principle, in preference to considered and properly structured reasoning of the whole judiciary, in a situation in which the Government has not urged such a course and has never sought to challenge the propriety of the original decision of the tribunal.

That decision is regarding the power of the tribunal to award a car in lieu of straight out salary. The letter continues:

It is, of course, true that Millhouse J has expressed a contrary opinion, but, as his very correspondence over time itself reveals, he seeks, for reasons unique to himself,. to pursue an idiosyncratic point of view based on his own lifestyle—a view from which the remainder of the judiciary dissociates itself.

I am more than happy to argue the above matters fully, should the tribunal so desire. However, I would have thought that the enclosed documentation speaks for itself.

Yours faithfully,

(Judge Olsson)

Chairman, Judicial Remuneration Coordinating Committee.

The argument was finely balanced (to quote the Crown Solicitor) as to whether the tribunal had power to determine a car as part of the remuneration. I would recommend that members read the letter that I have tabled from the Crown Solicitor dated 19 February. I will quote two or three paragraphs from that letter in the course of my argument. Members should bear in mind that this is a dispute as to the meaning of the word 'remuneration', not necessarily the desirability of whether remuneration should or should not involve a car; it is whether it legally could involve the awarding of a car. In part, page 2 states:

In essence the dispute comes down to the question whether the word 'remuneration' appearing in section 3 of the Remuneration Act includes 'non cash' entitlements. There is no doubt that the word 'remuneration' in its natural and usual meaning will include 'non cash' entitlements.

Then there is a quote from a previous case, *R v Postmaster General* (1876). It continues:

So, for example, the Shorter Oxford Dictionary gives as an example for the use of the word 'remunerate' the following: '. . . our exclusive trade with the colonies remunerates us for the expense of colonial establishments'. The legal issue is whether the usual meaning of the word is restricted in the context of this statute by the context in which it is used. This was the issue that was argued before the tribunal in 1990. The submissions that where then made have been referred to the tribunal in the submission by Justice Olsson. In my view the arguments both for and against are reasonably finely balanced. It certainly could not be said that it is manifest and obvious that the word 'remuneration' is limited to benefits of a pecuniary nature. The argument that the word 'includes' means that the word is not limited to remuneration of the type specified in paragraphs *(a)* to *(e)* of the definition has considerable force and maybe telling force.

This issue was considered by the tribunal in 1990. The tribunal then adopted a wide meaning of the word 'remuneration'. That decision was not subject to any proceedings by the Minister to test its correctness and has not been reargued by the Minister. In these circumstances it is inappropriate for the tribunal to vary that decision unless the tribunal is clearly satisfied that the decision is wrong. I adopt the submission of Justice Olsson in this respect. In my view it cannot be said that the previous decision of the tribunal is wrong. The most that can be said is that the matter is finely balanced.

Mr Selway does refer to the submissions by Messrs Thomson and Merritt, who are the two law students who carried the case on. Finally, he makes a comment which at this stage I will read into *Hansard* because to me it does touch significantly on the issue. At the tail end of the second to last paragraph of his letter, he states:

Consequently that provision of the Supreme Court Act cannot be considered as implying some restriction on the powers of the tribunal under the Remuneration Act (even assuming that the terms of the Supreme Court Act would not include a motor vehicle which may well be arguable in itself).

So, the argument that is currently before us, regardless of whether or not there is support for my Bill, remains, in relative legal assessment, as an open question. It may well successfully be argued further down the track that a motor vehicle is an inappropriate form of remuneration for the judges to receive.

I had expected that we would be looking for Government and Opposition support for this Bill. On 29 June in one edition of the *Advertiser* I read an article entitled, 'Sumner Attacks Judiciary', and in another edition I noticed that it had 'Sumner Attacks Deal', as if attacking the judiciary was a bit strong. That was an unusual degree of sensitivity by the subbies of the *Advertiser* I would say, but that is insignificant to the quotes in the text that are attributed to Mr Sumner. The article states:

The Attorney-General, Mr Sumner, said yesterday increases in salaries and allowances for judges and magistrates were 'not particularly satisfactory'. And he said he understood community disapproval of cars being given to more that 70 District Court judges, magistrates and other senior members of the judiciary for private use . . .

Mr Sumner said he was aware there would be community outrage at the salary increases at a time when the State was gripped by high unemployment and recession. The Opposition said the awarding of cars and running expenses as part of salary package increases was unacceptable in the 'current depressed economic climate'

The Opposition legal affairs spokesman, Mr Trevor Griffin, said the Government should apply to the Remuneration Tribunal for an immediate review of the new salaries and conditions.

'I cannot understand why more cars and their running expenses should be awarded because already judges and magistrates have access to cars when on official duties,' he said.

So, I think it was reasonable for me—and still is—to expect unanimous support for this Bill. First, it does oblige the tribunal to be sensitive to the economic capacity of the State to pay. I fail to be persuaded that we would buy a better judiciary by topping up salaries which range from $100 000 to over $150 000. If people are not prepared to serve in that capacity for that sort of remuneration, then I think that they are coming in for the wrong motives. I do not accept that you can buy better quality judges.

Secondly, I believe it is time we faced the fact of the awarding of the cars. Clearly, the cars are for full private

use. It is tokenism of an inane sort to try to say that, in part, the cars are an official requirement, a requirement for judges and others to do their work. That is just patently not right. The determination immediately above that concerning the provision of motor vehicles is titled 'Motor Vehicle Mileage Allowance' and is as follows:

> Where any person subject to this determination is necessarily required to use a private motor vehicle for official purposes, reimbursement of the costs shall be made calculated at the rate per kilometre which is determined from time to time by the Commissioner for Public Employment for reimbursement of the use of private motor vehicles for official purposes by persons employed under the Government Management and Employment Act.

So, they can be reimbursed quite handsomely for any use of a car for official work. Let us face up to the fact that the car is a 'you scratch my back, I'll scratch yours' form of salary extension. It is an amount of money that is estimated to be equivalent to an increase of $23 000—I do not believe that there is any ground to challenge the approximation of that amount—and it is achieved through no income tax payment on that increase. I believe, not only in this particular case but in general terms, that we should look at this practice of avoiding the normal obligations and consequences of paying a salary (which people earn) by devious methods of providing goods or services of a wide range which act as a benefit to the recipient, and there are normally tax minimising, if not evasive aspects, involved from both sides.

We all know that the Government can purchase cars considerably more cheaply than the normal purchaser in the ordinary market, and that is a trap that is also characterised by a lot of allegations and concerns in the motor industry. There have been many articles in the media over the past six months that have identified that matter, but I do not intend to go into that because it is not germane to the main argument for moving the second reading of my Bill. For those members who are curious, I would happily inform them of those articles outside the Chamber.

However, to conclude: it is a simple Bill with two specific aims, and I challenge any member to object to them. The first aim of the Bill is that people who are paid by the taxpayers of this State to serve the people of this State should have their remuneration set sensitive to the capacity of the people of this State to pay and not linked to some detached and separate economic strata. If that argument were to pertain, why do we not relate it to the payment in the USA, the UK or Japan? The argument that we are not responsible for our own economy and are therefore able to set our own salaries to reflect that is a nonsense.

The second aim of the Bill is to dispense with the deceit of providing so-called official cars as a substantial topping up of salary and upon which no tax is paid. There may be no justification for the provision of that car as it is in no way connected to the work of the people involved. It is purely an alternative *de facto* form of salary increase. Because not only cars but other goods and services and property may be involved at some stage in a similarly devious way to augment salaries, the Bill goes wider than just specifying cars and embraces land and other goods. I urge support for the second reading of this Bill.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 18 August. Page 123.)

The Hon. J.C. BURDETT: I support the motion. I thank Her Excellency the Governor for the speech with which she saw fit to open this session of Parliament. I reaffirm my allegiance to Her Majesty the Queen and I join with Her Excellency in her expression of regret to the families of those deceased members of Parliament who had died in the time preceding her speech. Unfortunately, of course, there have been two deaths since then. In all cases I have spoken to the condolence motion. I do not intend to repeat those comments now, but I do again express my sympathy and condolences to the families of deceased members.

It is perfectly obvious that the state of the finances of this State is disastrous because of the mismanagement of this Government. The problems of the State Bank, SGIC, Scrimber, SAFA and a whole heap of other organisations make this quite apparent. The main issues on which I intend to speak today relate to children, young offenders and child abuse, issues in the welfare field, and that is why I regret the financial position of this State. It is because of the disastrous consequences of the Government's mismanagement that inadequate resources have been made available in this area. That is the very great problem which has been caused by the State's finances, and it causes me much concern.

I propose to speak about the study tour that I recently undertook in Europe and North America. It was principally on the subject of child abuse and neglect and young offenders, but in certain areas other matters were studied and they will become apparent as I speak. The first place I visited was Rome. I seek the indulgence of my collea gues the Hon. Mr Feleppa and the Hon. Julian Stefani for my pronunciation of Italian names. The second place I visited was France, and I seek the indulgence of the Minister in regard to my pronunciation of French names.

In Rome I met with Judge Mariangela Cecere at the Ministry of Justice and Grace and Alberto Aezeari, an assistant at the Ministry who acted as interpreter. She is a children's court judge, and I raised with her the issue of child abuse. In Italy, there is no mandatory reporting except by doctors, and I gained the impression that child abuse was grossly under reported. Social assistants are appointed by the local authorities: they operate in schools and report cases of suspected child abuse to the Ministry of Justice. There are also special centres for families operated by the Ministry of Justice and other special centres for family life.

The involvement of the judiciary and the ministry at this level is strange to Australian ears. However, although the concepts and particularly the application are different, the Italians are very jealous to preserve the separation of powers between the three functions of government. This took me by surprise, because I had always thought the concept of separation of powers to be peculiar to the

Westminster system. In Italy, reporting is usually by the victim, and that must restrict reporting greatly. There is a hotline for victims to call.

A problem which the select committee on child protection in South Australia identified was that in South Australia there is no training for lawyers and judges in dealing with young people. In Italy, there is a 14 month training course for judges who are, of course, already qualified lawyers, and after they have qualified as judges there is also an in-service training program and special training for juvenile judges, which includes, of course, the procedures of dealing with children.

The Hon. Carolyn Pickles: It is about time we had that here.

The Hon. J.C. BURDETT: Exactly. I am quite sure that the Hon. Carolyn Pickles, who was the Chairperson of that select committee, will agree with quite a bit of what I have to say. In the children's courts in Italy there are four judges: two professional and two honorary. The honorary judges are not honorary in the sense of not being paid but they are not professional judges. They are usually drawn from the social worker-child psychology area and most of them have some legal training. In the case of young offenders and children who are the victims of alleged child abuse—and this matter was adverted to by our select committee—questioning of the victim or the child is only carried out by the presiding judge.

The victim cannot be destroyed by cross-examining counsel. Other members of the bench and the bar may suggest questions to the judge, but the questioning of the child is always carried out by the presiding judge. So, the victim in a child abuse case cannot be destroyed by cross-examining counsel. If cross-examining counsel for the defendant wants to question the child, all that he or she can do is request the presiding judge to ask the child the questions. If the presiding judge does not see fit to do so, the questions are not asked. It is a very different situation from that which prevails here.

What I have just set out in regard to Italy applies in all the Roman law countries, including France and Belgium, which I visited later. A similar rule would allay the concerns of our select committee on the questioning of child victim witnesses.

The judge was very interested in adoption law, which is dealt with by the Children's Court judges and by the Ministry of Justice and Grace. Adoptions are still totally secret in Italy. The judge's principal interest was in relation to international adoptions. She wanted to know whether we had them which, of course, we do, and I told her the circumstances that apply to our international adoptions. In Italy there are many international adoptions, mainly from South America, particularly from Brazil, but also from Romania and Bulgaria, although the Romanians have recently refused to allow their children to be adopted overseas.

The options for dealing with young offenders appear to be very much the same as in South Australia, with an emphasis on keeping the child out of institutional care. There is generally no jury system in Italy. The emphasis with young offenders is on rehabilitation. In regard to child abuse, there is the emphasis that we have of trying to reconcile the family, although in Italy most of this occurs before trial. I gained the impression that it is not as much insisted upon as in South Australia. The problem of adolescent child abuse between siblings is recognised, but there does not appear to be any special treatment for it. The main areas in which child abuse and juvenile crime are prevalent are in the south. In Italy, the regions have very limited law-making powers, restricted to such things as public health and markets. The laws that they make may not be disallowed by Parliament, but there is a commission for this purpose that may disallow them. At Parliament House in Rome I met Onorevele Finocchiro, a member of one of the commissions, together with a number of other notables.

The Italian Parliament has over 600 members, and the majority of the work is carried out in committee. Members may recall the visit we had last year by a delegation of members of Parliament from Germany, which has a similarly sized Parliament, in which the same applies. It was interesting that, with the high level of development of the committee system, because of the size of the Parliament in Italy, in some areas laws may be passed by the committees without ever reaching the floor of the Parliament. One commission deals with youth affairs, which includes juvenile justice and child abuse, at least in the area of the welfare of child abuse victims and their families, and the member whom I met was a member of that commission.

The methods of dealing with young offenders, for example, keeping them out of institutional care if possible, and so on, were pretty well identical with ours. I was told that there is great concern among the people in Italy about the incidence of youth offending, and I indicated that it was the same in South Australia. In regard to South Australia I gave the examples of the increased incidence of juvenile crime, largely, I believe, as I told them, because of youth unemployment. As an example, I gave house-breaking and car theft among juveniles, and stated that this concerned people very much because they do not like having their cars stolen or their houses broken into, that they tend to blame the Government and to ask that some action be taken. I was told that these were concerns in Italy. Car theft and house-breaking were prevalent among juvenile offenders and, of course, people had the same outrage at that as we have in South Australia.

But there was, though, another dimension which we do not have to any great extent in South Australia; that is, that a large number of young offenders are seduced into organised crime, including the formal Mafia. That was the greater concern. A general concern was the spread of the influence of the Mafia, still largely in the south but also increasingly infiltrating Rome and the north. The matter of ordinary juvenile offenders like ours being seduced into organised crime was a great concern of theirs, and it also concerned me very much.

The laws relating to sexual crimes have been debated in Italy for 13 years without reaching a conclusion. One area of contention is rape in marriage, which has not yet been settled. The two sides that were raised were that the criminal law should not interfere in family life in this area and that the law relating to rape is not a matter of community morals but an offence against a particular person. Another unresolved matter is the move to abolish the distinction between indecent assault and rape. The rationale of the move is that a great deal of trauma is caused to the victim by being cross-examined greatly

about the question of penetration or non-penetration, and the argument is that, whilst it may make a difference, the offence of sexual interference without consent is essentially the same whether or not there is penetration. There have also been discussions in the Italian Parliament on reducing the age of consent from 16 to 14, and the member explained the reasons for and against this. At this stage, I was again reminded of the difference between Roman and English law, in that the Roman law lays down principles whereas the English law takes a *de facto* and a case by case approach.

They are the only remarks I intended to make at this stage about Italy. I will, of course, be lodging in the library a more detailed report than I propose to make in this address. I was intending to travel from Rome to Paris, because it is obvious that the French have made a large contribution to juvenile justice, in particular, and to child abuse. This was one of the diversions that I mentioned before. Because I was travelling from Rome to Paris, I thought it was a shame not to stop at Nice and to visit the technipole at Sophia Antipolis, because, as a non-technical person and, I guess, in common with about 95 per cent of the South Australian community, I had not really been able to grasp the concept of a multifunction polis.

There are 42 French technipoles, of which Sophia Antipolis is the oldest, having been in operation for 23 years, and it seemed to me to be a good example to look at. I have spoken before of my views on the MFP and some reservations I have. At this time I propose to state simply my observations, with no question of whether or not I support the proposed MFP at Gillman. I was met by Mrs Jacqueline Rothchajineau, who was the Information Manager for Sophia Antipolis. The French call them science parks or technipoles and had not heard the term 'multifunction polis'. This seems to be a term understood by the Japanese but not by the French.

The present Senator Lafitte is known as the father of technopiles. He was not a senator at the time when he established Sophia Antipolis. 'Antipolis' is against the polis, or against the city. It was the concept of creating this kind of function outside a city. The 'Sophia' is after his late wife, Sophie Lafitte. It is still the largest technipole. The technipole is concerned with research and study. It is not itself concerned with production, although organisations which wish to use the services of the technipole have associated around that area so that some organisations exist on the site that are involved in production. Some of the organisations using the services of the technipole might be anywhere: they might be in the United States, and the production might be carried out there.

Teaching at the secondary and tertiary levels is very much to the fore. Cultural activities are rated very highly at the technipole. Senator Lafitte considered it was not worth having a technipole unless it had a soul. In order to have a soul, one had to have a principle and to include cultural activities. Theatrical activities like the arts are rated very highly, and the film festival being held when I was there was located at Sophia Antipolis and, when we left the plane from Rome to Nice, there were people all over the place to see off the film personalities and the actors who were attending the festival.

Unlike the apparent concept at Gillman, residence does not come within the Sophia Antipolis concept. Madame Rothchajineau drove me around part of the site, which is spread over about 2 500 acres. I did not see a house. More recently, some hotels have been introduced. As well as housing people, many hotels are related to research and teaching and those activities occur in the hotel.

Including the industrial people associated with the concept, 100 000 people are employed, and they do not, as I said, live on site, but most of them commute from Nice and Cannes, which are about 20 minutes away by car; there is also good public transport.

Research into energy, anti-pollution and communications, especially telecommunications, ranks very highly in the activities of the technipole. Computer technology is also important. A number of private and semi-private companies, including American companies, are involved. One Japanese organisation is concerned with research into motor car engines, but the general opinion of the French is that they are only there to spy.

The secondary and tertiary institutions have impressive sports facilities, including tennis and golf. Attached to them are the headquarters of the French tennis players, including the Davis Cup team. Air France has all its computerised booking activities located there. Regional governments and municipalities are involved, and there are two authorities, one involved in promotion and one which controls the sale of land and strict planning controls apply as to the use of land.

Unemployment in France runs at about 13.5 per cent and the technipole has recently been hit by retrenchments. As the companies that use the services of the technipole are financially hit, they therefore have to reduce the demand on services.

An interesting feature was that the technipole is almost entirely serviced by electricity from solar generators, and the presence of the solar grids is very obvious throughout the technipole area. I do acknowledge, of course, that solar power is a large part of the plan at Gillman.

Energy resources is another subject of the study of the technipole. I noticed bushfire warnings around Sophia Antipolis. Bushfires occur in this area, particularly in the summer months of July and August, and cause a great deal of devastation. When they occur, the local trees do not regenerate for 10 to 15 years, unlike eucalypts, which are grown in the south of France but not in this area.

Telecommunications are an important part of the activity of Sophia Antipolis. The new partially completed telecommunication building is right opposite the foundation Sophia Antipolis and I met Mr Michele Lefont, who is the Engineer-General for the operation. The building, like many of the buildings, is quite magnificent, extremely modern and architecturally attractive. The main lobby area has a magnificent glass cupola at the top through which one can see the sky.

The technical equipment is only partially installed in the telecommunications building. On a large screen there is an audio-visual link, so that if anybody is on the link one can bring them up and talk to them. The other person will appear on the large screen. I spoke to a person on the link. The audio part of the communication was not very effective, because I speak no French and the other person spoke no English. That was where the visual part

came into it. Body language communicated well and we ended up by waving to each other. They are also developing video telephones and had one on a small scale. This could only capture head and shoulders and will probably come on stream commercially in about two years.

The centre had most sophisticated and effective computer equipment and had a large and very impressive theatre with excellent facilities, including facilities for music, with an organ behind the rear screen (and I am talking about the telecommunications building). A thing that is impressive is the fact that the technipole is by no means technical, industrial and scientific only; rather, the cultural aspect of it is given a very high profile, and I am sure that this is a message which we must learn in South Australia, especially because of the reputation that we already have with regard to the Festival of Arts. Sophia Antipolis is still growing, and it is anticipated that between now and the year 2010 it will double its size.

We next went to Paris, and I return to the main question of child abuse and neglect and, particularly in regard to Paris, juvenile justice. I had an interview with judge Antoine Garapon. The Bonnemaison system, which was referred to yesterday by my colleague, the Hon. Bernice Pfitzner, operates as diversion, where appropriate, at police level and otherwise arbitration before an investigating judge, who confers with the police, the offender, the family of the offender and the victim. The presence of the victim is necessary, because the children's court has the power to order compensation, so it has a civil as well as a criminal jurisdiction.

Minor matters can be disposed of at this level and, if not, and if the case is contested, the matter goes to trial in the usual way with prosecution counsel, defence counsel and the presiding judge, who is a professional judge, together with two lay judges (which is similar to Italy), who are drawn from the community and would each be called on to act in this capacity—something like twice a month.

As in Italy, questions may be asked of the child only by the presiding judge. Of course, the court will have the benefit of the statements taken at the proceedings before the investigating judge. The lay judges, prosecutor and defence counsel may request the presiding judge, once again, to question the trial and the child will be present when the request is made.

In regard to Italy, I mentioned the question of young offenders being seduced into organised crime. I raised this question with Judge Garabond, and he said that, in the south of France, in Nice and in Marseilles this had started to happen, namely, that young offenders were seduced into the formal Mafia. This had not yet happened in Paris, but they were being seduced into organised crime.

He also stated something else, which I found quite abhorrent, that is, that Paris has become the capital of Europe for child prostitution, particularly male child prostitution and that most of the patrons who were looking for male child prostitutes were not local French people but foreigners, mainly politicians from Eastern European and North Africa; and he named the area of Paris in which this occurred. He stated previously that in France the Government ran a number of educational, occupational institutions for young people, largely in the areas of cooking and catering, and these were an option that the judge had in dealing with the young offender, who could be sent to these places for six months; the young offenders worked there and were paid and learnt the trade in question.

In the French courts when a juvenile is sentenced, not just a sentence is handed down, as applies here, but also the judge discusses with the juvenile the options that he has. The judge told me that he had before him a 12-year-old boy who was a male prostitute, and the question was whether he should be placed in care or whether something should be done about him. When the judge was discussing the options with the boy, he raised the question of sending him to one of these places of employment, and the boy said, 'I don't want that kind of employment; I earn more money than you do.' Understandably, the judge locked him up. I did find that very distressing.

Judge Garabond is a trial judge. However, I spent a very interesting day with Judge Herve Harmon, who is an investigating judge in the court of Antea which is a suburb of Paris. This was really most enlightening. In the cases of young offenders or persons under the age of 18 years who are victims, particularly of child abuse, or who need to be removed from their family, the investigative judge is involved at an early level and continues with the case after sentencing until the matter is considered to be resolved. He receives the police reports and, if social workers are involved, the social worker reports to the court. This has been advocated by His Honour Judge Kingsley Newman: the social workers involved should be responsible not to FACHS but to the court. In France, the investigating judge cannot commit a young offender to a children's prison; that must be referred to a children's court of the kind which I outlined with regard to Judge Garabond. Once again, the investigating judge exercises two jurisdictions, which are called civil and criminal, civil meaning intervention and criminal meaning punishment. I might say that Judge Harmon mentioned that most of the judges in this jurisdiction are female, although he is male.

While I was there, four or five cases were dealt with by the judge. There is no court atmosphere. The judge sees the persons concerned, the family, the victim (if there is one in appropriate cases) and the social worker in his office. He shakes hands with the parties before and after the matter, and speaks to them informally. I sat with the judge, and he introduced me as a South Australian member of Parliament who was interested in juvenile justice, and they all expressed willingness for me to be there.

While the judge was talking to the people concerned, the secretary was still in the back of the office, thumping away on the computer, and people were coming in and out. It was a very informal situation. The judge did not tell me that any aspect of confidentiality applied, and I do not think I can describe the situation without referring to the cases involved. However, I will not use any names, and it is a different country, anyway, so I cannot see any harm in doing so.

The first case involved a boy who was to turn 18 years of age. He was accused with another boy of stealing from a car. He said that this happened because he had just lost his job and he was completely shocked by being without

a job. The judge had the statements of the police and of the boy, and this varied somewhat from the police statements but did amount to a full confession. The case was considered to be fairly minor, and the matter was referred directly to the judge without a social worker's report. Also present with the boy was his father. They were not living together, and the mother had died some time before. The boy had never previously been in trouble with the police, but his sister had. However, the judge dealt with this matter and, therefore, knew the father and the boy. The father did most of the talking, and I understood that the boy seemed to be very reliant on his father.

The story was that the boy had just lost his first job and was short of money. It was considered that he was led on by his accomplice and that he was frustrated. The police said that, when they apprehended the boy, he had slapped himself, but the judge thought that there might have been some assistance from the police. He now had a job and was living with his father. Neither father nor his son wanted the assistance of social workers. The judge was satisfied with the sincerity of the father and son and will not sentence the boy until shortly before he turns 18 years of age in September, so that he will be dealt with by a juvenile court. In the meantime, the youth will visit his father. He was warned that, if he offended again in that period, he would be in serious trouble.

Things called contracts are used as applies in South Australia with FACHS and in the Education Department. It is the same basis as the so-called contracts here, except that here we have no supervision from the court. The father and the son signed a document acknowledging that the offence had been committed, and it was agreed that the son would remain under the supervision of the father. So, a lot of the work that the judge undertakes is of a social worker/psychological nature.

Case 2 was a girl under 16 who had been raped by the *de facto* of her mother. Her mother had left the girl's father long before. The girl's sister had also been raped by the *de facto* (this was a separate case). The *de facto* had been charged with both offences and was in gaol. The mother had also been charged with failure to assist the girl. In attendance was the girl, a social worker and the girl's father. The prosecutor, in the criminal case against the *de facto* and the mother, had recommended that the matter be referred to the judge to make satisfactory arrangements for the care of the girl. The girl had not cooperated in the past and seemed to be very sullen and sulky. The judge was endeavouring to make arrangements for her to stay with her father, who was prepared to have her and to make special arrangements about her education and counselling.

At the beginning of the interview she was extremely sullen and would not talk to the judge; she would only nod her head to indicate 'yes' or 'no'. The judge was extremely patient, and the social workers (who in this case were female) were extremely kind and helpful as well. Eventually, a satisfactory arrangement was arrived at, the girl started to talk and became much more normal in her behaviour, and she and her father signed an acknowledgment of the arrangements.

Case 3 was a black family from the Cameroons. The mother, who I would say was about 40 years old, had been a victim of violence by her husband, and so had the children in the family. The violence was not severe but was continual, and drinking was involved. The husband was now in prison. The social worker was present and so was the woman and her parents. There had been an ongoing hearing, trying to resolve the family's problems, and the judge believed that on this occasion the husband in prison ought to be present.

He issued an order for him to be brought to the hearing, but he did not attend. Telephone inquiries indicated that the judge's order had not been received at the prison in time, so the matter was eventually deferred to enable this to happen. The woman was a very good mother and said that she loved her husband and wanted to continue the family life. She had not wanted to be present at the hearing because she did not want to see her husband in handcuffs—this is what would have happened in France. As I said, the matter was deferred to enable the husband to be present.

Case 4 was a 17 year old boy who had been having difficulty living with his father. His mother had died of cancer when he was four years old, after having attempted to commit suicide three times. The family certainly had had a hard life. A sister of the boy had been murdered, and it was during the murder trial that it had come to the attention of the boy that the father took drugs. Attempts had been made to place the boy with uncles and aunts. It was said to be a good family, and the father was said to have been the black sheep of the family. However, attempts to have the boy live with the uncles and aunts had not worked. The boy had been living with his father now for some time, and each agreed that the other had been better than they were before, but that things were not perfect.

A social worker attended, as well as the father and the son. The son had speech problems but was not prepared to see a therapist. The judge also considered that he had psychological problems, but the son was not prepared to see a psychologist. The meeting was fairly amicable and the father and son signed an agreement to go on living together in the future. The father in particular said that what had happened was brought about by the extremely hard life that the family had had, and there was no doubt about that. The judge told him that the world was sometimes like that, and that it might seem very hard but one still could not opt out of the world. In all these cases the day's hearing was not the end of the story; they would continue to come before the court until the judge was satisfied that the particular problem had been solved.

We next went to Brussels, but I do not want to take any time of the Council in talking about the situation with regard to child abuse, neglect and young offenders in Belgium. It is fairly similar to France and Italy with regard to the general situation. One particular thing I suppose—and that was commented on elsewhere in the world where I went—is that, in regard to child abuse, adult offenders may be diverted from the criminal justice system and put in places where they can receive remedial treatment without going through the court system. Generally speaking, amongst the people I spoke with, this did not receive approbation.

In London I met a group of doctors and social workers who dealt with children. At present, the Children Act brings together, in one Act of Parliament, all the law relating to children—be it child abuse, young offenders,

children at risk or children in marriage break-up cases. This Act had been considered by our select committee of the Legislative Council, and it is one of our recommendations that this be copied in South Australia to the extent that we ought to bring all the law together in one Act of Parliament.

The English authorities have been extremely good in producing a heap of literature for Government agencies, the medical profession, parents, the community and children, giving information about the Children Act. I have had sent to me most of this information, and it is available for anyone who would like to peruse it. I might add that the Children Act applies only to England and Wales, not to Scotland. Although there is no federal system, the laws in relation to England and Scotland are not always the same. I will come to Scotland in a moment. The old system of children's hearings still applies in Scotland, and the Children Act does not apply.

In the court area in England, screens and video link are used for cross-examination, and the victim is not present in court in the same room as the accused. There is a strong push for the videotaping of the original interview with the victim to be used as evidence-in-chief, but this is not the case at present. There is a new criminal code in the process of preparation, and this will be discussed at that time. One thing that did arise out of the interview I had with this professional group was the question of female circumcision, which does arise in Australia from time to time. This had recently been absolutely prohibited by law. The workers said that when that Bill was brought in they thought it would be entirely non-controversial, that everyone would agree with it, but it proved to be extremely controversial. However, it was in fact passed.

I met a number of appropriate people in Edinburgh, Scotland. They still have their traditional system of children's hearings. Children who are considered to be at risk of abuse and young offenders are brought before a children's panel—I have all the literature on this. This system has been operating for some time. The members of the panel are lay people who are carefully screened and trained. I suppose you could relate it a bit to our JP system. They thought it had been working fairly well, although they were embarrassed at the time I was there. It was just after a scandal on the Isle of Orkney in relation to what was seen to be the mishandling of a case by a children's panel, and there was another case in Ayrshire at the time I was there. Because of the disrepute under which the system had come, I would not recommend that we go down that track at present.

I felt that England, Scotland, New York and Canada had a great advantage over us as their voluntary organisations had been in existence for a long time and were solely concerned with the interests of children in this kind of situation. The National Society for the Prevention of Cruelty to Children was established in England in about 1880 so, when the present situation of child abuse came into being, that organisation already existed; it did not have to be established in a controversial situation. It is about 90 per cent privately funded through trusts and things like that, many of which were established in the last century. It receives little Government funding. In the children's act in England it is recognised and given the same status as the local authorities in regard to child abuse, child protection and matters involving young offenders. It carries out a lot of research, and I have brought a great deal of that material back with me.

Scotland also has a Royal Society for the Prevention of Cruelty to Children and there are similar organisations in the United States and Canada, which were established later but early in this century. I think we are at a disadvantage as we do not have those kinds of organisations which are solely concerned with the welfare of children and which are well established and recognised. When I discussed these issues, I said that we did not have such an organisation, that all we had was a Royal Society for the Prevention of Cruelty to Animals. I was told that in England, Scotland, the United States and Canada that was where it had started. It had started with societies for the prevention of cruelty to animals, and then people had the commonsense to say, 'What about children?'

The Hon. Diana Laidlaw: That's dreadful.

The Hon. J.C. BURDETT: Yes, it is dreadful—and they were extended to children. There is no mandatory reporting in the United Kingdom. The next place I visited was New York, where I spoke with the Commissioner for Human Resources and her deputy. An interesting aspect in New York is that, whereas in Australia the Commonwealth Government is responsible for income maintenance for families (social security) or anyone else who is entitled to it, this is not so in America where responsibility for income maintenance is shared between the Federal, State and municipal authorities. In New York, the municipal authorities carry most of the burden. I said that I felt our system was the proper one and I was told that I should extend my stay and go to the White House to explain the Australian system.

In New York, I found a number of very useful programs in which I was very interested until I started to sense that they must be expensive. I inquired about the cost and I was told that the budget in New York State alone for children's protection was $8 billion per annum. I felt that perhaps we could not implement all those programs. One of the interesting programs was for kinship peer fostering. Where children who were suffering from abuse or neglect or who were at risk needed to be removed from their families, an attempt was made to place them in the kinship group. 'Kinship' was defined for this purpose as including a relationship to the third degree, but it was felt by the commissioners that because of the extended families in many ethnic groups it would be desirable to extend this definition further.

In New York State there are currently 11 000 children placed in kinship foster care. These are normal placements and foster care rates are paid to the foster parents and the responsibilities that apply to other foster parents apply also. Eighty per cent of the placements in kinship foster care are with grandparents. With the lowering of the age of many abused children who need to be placed in care, many of the grandparents are relatively young. There is no upper age limit, but one concern was that some of the foster parents were over 70 and perhaps not capable of carrying out their responsibilities. However, this was a minority.

I visited the Lutheran Medical Centre which also strongly supported the system of kinship foster care. Many of these cases proceed to adoption. The

grandparents adopt the children with the support of the agency. There had been some controversy about this because it was asked, 'How could you adopt your own grandchild?' It was emphasised they were not being adopted as grandchildren, which they already were, but as children.

In regard to families where there was a risk of the children being placed in institutional care, there was a system of intensive family care and a social worker would be allocated to the family. The social worker would have a workload of two families. So, they would have 20 hours a week available for each family, and they were available at call seven days a week, 24 hours a day. It was felt that this was a very cost effective way of dealing with the situation, although initially I had thought that it would be expensive. They pointed out the cost of institutional care if the child had to be removed which, of course, we know is many thousands of dollars in South Australia as well, or the cost of care if someone in the family had a mental breakdown or something of that kind and had to be treated on this basis, and if this could be avoided by this kind of intensive family care, that was regarded as cost effective.

It was acknowledged that there was a problem in that, eventually, the care had to be withdrawn, and how would the family cope then? It was something that was being dealt with and they thought that, through a gradual educational process, they had the answer. In Toronto I had long and interesting contacts with the police, with the department and with the voluntary organisation. They have mandatory reporting in New York, and also in Ontario Province, of which Toronto is the capital. I thought that there was something of considerable interest in the mandatory reporting, namely, that we have our categories, which I mentioned to them, but that they include two categories which in South Australia would create much shock and horror. It is not only the doctors, dentists, nurses, social workers, teachers, teachers aides and pharmacists, etc., as we have, but in Ontario ministers of religion are mandated to report cases of suspected child abuse. There would be complete horror in South Australia, I am sure, if we suggested that. Also, solicitors and barristers are mandated to report, and I am sure that the Law Society would be up in arms if solicitors and barristers were mandated to report in South Australia. That is all I wish to say. I support the motion.

The Hon. T. CROTHERS: May I from the outset wish the Governor long and continuing good health in the discharge of her duties and functions in this State of South Australia. May I also observe that quite a number of my parliamentary colleagues from all sides of the Chamber who have preceded me in this debate have chosen, at least in some part, to have the matter of unemployment figure in their contribution. Some others have also included reference to modern day technology and economic rationalisation of Australia's economy. I propose to include all three in this speech. Well may they have chosen unemployment to speak on, because I put to this Council that, if Governments the world over do not find a way to deal with the crippling malaise of global unemployment, Governments themselves will most surely be caught up in a wave of despair and anguish the like of which never having been seen before. Anarchy, in my view, will then follow as sure as night follows day.

The consequent result will be an incapacity by Governments to govern in the same fashion as is now the case. I am one who believes that neither the Federal Government nor the Federal Opposition has correctly identified why we have these very high levels of unemployment right around the globe. In fact, of all the nations at which I have looked relative to the foregoing there is but one whose economy is going flat out, and that is mainland China. In order for me to present to this Chamber what I believe to be the cause of our present unemployment levels I must go back in history and, with the patience of the Chamber, I will proceed to do so.

Present day industrialisation owes its origins—and I would ask the Hon. Mr Dunn to listen to this—to one single invention of the late eighteenth century above all other inventions that occurred at that time, and there was not an inconsiderable number of those. But the invention of the steam engine in 1781 by James Watt supersedes them all in the extent of its importance. It gave birth to modern day industry but, even though it was invented in the late 1700s, it was not until some time had elapsed that entrepreneurs and other inventors were to find a way to harness the quantum and steady delivery of power which Watt's steam engine was able to deliver to their plant and equipment.

For instance, the invention of the spinning jenny when, over a period of time, it was harnessed to the steam engine, rendered the cottage industry of weaving obsolete, thus depriving the handweavers of a way in which to earn their living. But, more of that later. In the meanwhile, certainly for a period of 25 years from 1790 through to 1815, Europe was plunged into a series of catastrophic wars, which absorbed every article that the infant industrialisation of the world's economies could produce. Moreover, the devastation brought about by the loss of manpower and the terrible destructive nature of the wars ensured that the impact on people's prosperity in the new age did not hit home until the beginning of the 1830s, when, suddenly, countless thousands of workers in the weaving industry found themselves out of work. I ask the Hon. Mr Dunn to pay attention to this. This is as good a history lesson as he will ever receive.

There looked to be little or no prospect of ever again getting work, their places in the work force having been taken by weaving machines powered by that invention of James Watt, and members can well imagine the types of riots and rebellions brought about by those job losses and the loss of life that ensued for them. The losses were horrific, and it took many years before there was any return to some form of normality—all because the Governments of the day did not understand the nature of what was confronting them. It must be said that some good did arise from the turmoil, as one can see by the emergence of democratic socialism and Chartism as a consequence of the invention by Sir James Watt and others of plant and equipment used in the so-called industrial revolution.

The case that I am making out is that, if today's unemployment is different both in cause and effect from any that has preceded it—and I believe that it is—then those revolts of the 1830s that I have outlined certainly give us an idea of the stark human reality that confronts

us if we do not come to grips with the problem. As I said very early in this address, I disagree with the Federal Government and the Federal Opposition which, it appears to me, believe that the present unemployment that confronts us is the same as those other cycles of unemployment that we have had to face since the latter part of the seventeenth century. I assert that it is not. What we now have, in part, is not just unemployment but members of our community who are unemployable. Yet, still the wrong remedies are being applied.

The Hon. M.S. Feleppa: You mean some members of the community?

The Hon. T. CROTHERS: That is correct. The actual cause and effect of a large part of our unemployment has not been correctly identified. People still insist on old causes and, therefore, try to fix them with old remedies, which simply no longer will work. They will not work because, for the most part, our present unemployment has been brought about by the introduction and application into our work force of new technologies during the 1960s, 1970s and the 1980s, until we have now reached the stage where industries are over-producing beyond the affordability of humanity to purchase the products. This, in turn, ensures that industry cannot generate enough jobs to go around our ever increasing global population.

Still, Mr President, we see our Governments standing still with their industrial focus so narrow so as not to see the obvious truth which confronts them. They still persist with economic rationalism when it appears that the only answer open to us is to try to assist our own unemployed by evolving job creation schemes ourselves. Does the Australian Government think that other nations will reverse their trade barriers—

The Hon. L.H. Davis: What should the Federal Government be doing? What should the Bannon Government be doing?

The Hon. T. CROTHERS: Listen you ignoramus and you will learn.

The Hon. L.H. Davis: You're going to give us the solution?

The PRESIDENT: Order!

The Hon. T. CROTHERS: I certainly am, you little ignoramus, in fact. As the unemployment worsens and they turn to job creation schemes in their own homeland, the opposite will be the case. As the unemployment in the industrialised nations of the world worsens, they will lift the tariff barriers to such an extent that it will make what we are trying to do now look like chicken feed. I notice the Hon. Ms Laidlaw leaves the Chamber, in spite of the fact that what I say—and I am the first to have said it in any Australian Parliament—is the real reason for unemployment.

The Hon. L.H. Davis: You will not be the first.

The Hon. T. CROTHERS: It will be the case. The type of unemployment that we have is different from any that has gone before. If it needs to be dealt with at all, it requires different solutions and different approaches than we have tried before. For instance, the idea of an environmental corps seems to be a sensible move, and I guess that we could look at the cost of our import bill to see how that cost can be cut through manufacturing, producing or growing here in Australia commodities that we now import. For example, we import $1.4 billion worth of timber a year into this country, but with the types of climate and land conditions that we have here we could probably grow the bulk of it here. There are many other imported products which in normal times we would not look at twice to produce here. But, in my view, times are so desperate for the unemployed, everything must be considered here. Of course, if I am right, then certainly some of the programming of some of the TAFE curricula will be wrong.

In any case, what is the benefit of some of the training when the people in training, upon completion of their course, cannot find any employment. The further signing of more trading agreements between the United States, Mexico and Canada, along with the EEC, adds another trading bloc to the chess board of global trading. Those are all moves which, if Australia is not quite quick enough have, will leave us very much out in the cold when it will be too late. Members can bet that those two large trading blocs will not care how high they have to keep their own tariff barriers in order to employ more of their own people. If you couple that with the fact that those trading blocs have between them six of the seven most technologically advanced nations in the world, one can begin to see what an enormous dilemma Australia and like trading nations will start to have.

Japan, of course, for the ever-laughing and ever-misunderstanding Mr Davis, is, of course, the seventh nation which is technologically advanced. Of course, her trading interests lie in South-East Asia, where Japan already has very significant investment. And talking of investment, isn't it strange that Sweden, which has spent many years fighting to keep out of the European Economic Community, is now trying to join that body because, as it says itself, the money that Sweden requires to keep up its research and development program is not now forthcoming.

So, already we can see how the EEC intends to exercise its control over the rest of us. No doubt the American, Mexican and Canadian trading bloc will do the same. So, I say to those Australian economic rationalists in our midst 'Forget about building up our trade by dropping our tariffs, because the Europeans and the Americans do not intend to allow us and others to become internationally competitive.'

The Hon. L.H. Davis: You are attacking the Federal Government and the State Government.

The Hon. T. CROTHERS: Yes, I am attacking the Federal Labor Government.

The Hon. L.H. Davis: And the State Government.

The Hon. T. CROTHERS: And I make no bones about it.

The Hon. L.H. Davis: And the State Government.

The Hon. T. CROTHERS: Certainly not. And I am attacking the Federal Opposition under Hewson. Make no bones about that either, because they both have to grasp—

The Hon. Peter Dunn: This will probably go in the *Advertiser* tomorrow.

The Hon. T. CROTHERS: Was that the cray fisherman who spoke?

The Hon. Peter Dunn: Yes.

The Hon. T. CROTHERS: Go back to your nets, slumber on, cray fisherman, you know not of which you asked. I believe the Hon. Mr Gilfillan has already referred to the way in which technology is being used to

exercise control, and of course he is right, but that should not be taken to mean that the other two levers of power, that is, economic and military, do not still exist. Of course they do, and against the lessons of the Gulf war, they just show us just how powerful and telling the economic and monetary effects are also. When they are wielded and developed by nations with extra technological competency, just have a look at the other problems that present themselves.

Have a look at the New Zealand and British economic conditions today, having had a stiff delivery of anaemic economic rationalism from the hands of Maggie Thatcher, Roger Douglas and Jim Bolger: it has not worked in those two economies. In fact, the United Kingdom has recently been described as suffering the severe symptoms of economic dysentery, and they are now watching the current account deficit set by the Major Government for the year 1992 blowout from £6.5 billion to a figure estimated to be at least £9 billion. So much for the workability of economic rationalists! It is a fact that recently some of the economists who set Mrs Thatcher on the road to rationalism have now done a complete 360 degree flop around—

The Hon. R.I. Lucas: If they have done a 360, they are still heading the same way.

The Hon. T. CROTHERS: Three hundred and sixty is as full as you can get. I trust that you are as yet only 359—and they said quite recently that it would not work. One can then see that the global road ahead is a very rocky one indeed, and, as this speech was written before the budget was delivered, the author can only hope that the Federal Government and Opposition will at long last have identified the real causes of our unemployment so that the proper corrective action may be undertaken as quickly as possible.

I conclude by drawing the attention of the Council to remarks made by Brian Loton on Sunday morning last during the business program on Channel 9. He said that there is little evidence of any betterment of the Australian economy and, indeed, those few companies who will be investing some money in new plant in order to increase their production will be doing so by the use of new technology and the shedding of labour.

At a time when Australia needs all the help it can get to bring some form of resolution to our many and varied problems, I call on the Federal Opposition to join with the Federal Government to bring as much weight to bear on the resolution of the problem which confronts us. No longer can Australia afford to be governed by a Government and an Opposition which seek only to score political points from each other, thereby doing nothing whatsoever correctly to address our current problems.

In relation to where additional employment may come from, one has only to look at Australia's import bill for initiative. We import $1.4 billion worth of timber per annum, yet we ourselves have here the vagaries of climate to grow the bulk of our imports ourselves. The same is true of cars and many other commodities on our import bill. We import $1 billion worth of fish; we export $1 billion worth of cotton lint; and we do nothing to advance the procedure in dealing with those matters. Many other commodities are on our import bill—commodities which, if produced here, would create many thousands of additional jobs. The idea of the creation of an environmental corps is a good one and, as well as creating jobs, it will commence doing a job on our environment which has been needed to be done for a long time.

But, if we continue to keep our gaze focused along the track of the Sir James Watt steam engine industrialisation, we will never have full employment here again. We must be made to understand that our form of unemployment is different from any which has gone before. For us to continue as we are is to embrace the philosophy of the philistines. At a time when enlightenment is required, there is no room in our society for philistines. Let us therefore bend our backs, lift up our eyes to the level of the problem and get on with the monumental task of fixing up this cancer of unemployment which so badly affects each and every one of us.

That would have been the end of my speech, except for a tragedy which occurred yesterday. I know the Council will give me the opportunity of saying something about that tragedy. It is with the deepest sadness that I must today pay tribute to a fine Australian, who passed away recently. Jim Toohey was a member of the Australian Labor Party, a Party which has had in the foremost of its ranks some of the best of Australia's sons and daughters. Even in the ranks of that illustrious company, Jim Toohey was a titan. In many ways, Jim's rise through the ranks of his chosen political Party can only be described as classical. He was born in Adelaide on 11 July 1909. He was educated at Cowandilla State school and, from there, became employed as a motor body builder at West Beach. In 1944, he became an elected organiser and Assistant Secretary of the Vehicle Builders Federation. It was not long before Jim Toohey's natural talents and abilities were recognised, and in 1947 he was elected Secretary of the South Australian Branch of the Australian Labor Party.

The Hon. R.I. Lucas: How many votes did he get when he ran for organiser, TC?

The Hon. T. CROTHERS: About two more than you got when you ran for Leader of the Liberal Party in this Council.

The Hon. R.I. Lucas: He got his own vote.

The Hon. T. CROTHERS: He certainly did. Wouldn't you be mad if you didn't give yourself your own vote? You would have to be as honest as I and stand aside. In the same year—despite the well-meaning and well-intended interjections of the honourable Leader of the Liberal Party in this Council—that Toohey was elected to the ALP position he was elected to the West Torrens council and served that body as a councillor for two years. He also served the Australian Labor Party as branch President and Federal executive member from 1948 to 1959, during which time he was elected a Senator for South Australia, a position he held until ill-health in 1971 forced his early retirement.

Jim Toohey held many more positions than the ones I have just mentioned, but suffice to say that Jim will best be remembered by those of us who knew him for his honesty and integrity. For a very long period of time after the recovery of his health (which I have to say to the House at that stage seemed to hang in the balance for quite a while), Jim played a very important role behind the scenes in the ALP when the great esteem in which he

was held enabled him in many conventions to pour oil on troubled waters. In other words he was the sort of person who worked quietly behind the scenes and whom every Party needs for its future success. Indeed, had we not had Jim Toohey we would have had to invent him. The Labor Party will be the poorer for his passing, and to his long enduring wife, May, I express the condolences of this Council, a sentiment I know to be embraced by all members, even though Jim was a member of the Federal Parliament and not of this Council. Jim, I say to you, wherever you are, 'May you rest in peace. Valete, Senator Jim Toohey.'

The Hon. PETER DUNN: I wish to thank Her Excellency the Governor for her speech when opening this fourth session of the Forty-Seventh Parliament in South Australia. I wish to offer my sympathy to the families of the former members of Parliament who died during the last recess, that is, to the families of Joyce Steele and Bert Shard. Both had distinguished careers in this Parliament and, although I knew them not, I know, from my colleagues, that they were respected by their fellow colleagues. Recently Dick Geddes, whom I knew not from the Parliament but as a synodsman for Willochra, died. I respected him because he was indeed a gentle man. He was a man with wit and had a presence about him, particularly when he spoke, because he had an imposing voice; and he was a lovely man with it. He always saw the funny side of any problem that arose, and that was always disarming. He was a very pleasant man to be with because of that.

I would like to pay tribute to Clive Mertin who has retired as the Clerk of this Chamber. Clive did not always have a very high profile, but that is as it should be, because he had a job to run this Chamber, and we are not the easiest group of people to organise, a sentiment with which you, Sir, will agree, because there are a lot of egos in this place and a lot of people—

Members interjecting:

The PRESIDENT: Order!

The Hon. PETER DUNN: I have just listened to a very fine contribution by the member for—

An honourable member interjecting:

The Hon. PETER DUNN: Well, he sounded like he came from Ireland, but I think—

Members interjecting:

The PRESIDENT: Order! There is far too much noise in the Chamber. The Hon. Mr Dunn has the floor.

The Hon. PETER DUNN: I am inclined to agree with the honourable member that he had something in his speech that was worth listening to, but I will have to put him straight on a few points in another place a little later. I now turn to Her Excellency's speech. The Government has said that it will establish an Economic Development Board. That is interesting, because all that will do is replace the Department of Industry, Trade and Technology. The new Economic Development Board will comprise people from business (private business I presume) the public sector and unions. However, I note that there is no mention of South Australian farmers. If unions can get a guernsey in this outfit, why cannot South Australian farmers? They produce in excess of 40 per cent of South Australia's exports and, by so doing, contribute to all our standards of living. I would have thought that it would have been fair and reasonable that if the unions, for whatever reason, could get a seat on the board, people representing primary producers should be able to do so.

I guess we could extend that argument to even more and more areas within the State. However, I applaud the idea that exports must be encouraged, but what the Government is doing is definitely not new. In fact, it is only shifting the deckchairs. It will probably be a waste of money, because there is already in place a group of people who can do this job of selling our exports, assisting our exporters and promoting business within the State in relation to their role as exporters.

The next episode in Her Excellency's speech, which is again a diversionary tactic, is the introduction of Eastern Standard Time. I do not think it was any more than about an hour after the Governor had finished presenting this speech on behalf of the Government that someone rang me and said, 'What is this about the Government transferring our time to Eastern Standard Time?'

The Hon. R.R. Roberts: Do you want an argument again?

The Hon. PETER DUNN: The honourable member who interjects comes from Port Pirie and ought to know better. He will be blasted by the people from his area if he supports Eastern Standard Time. They like it not at all. The further you go north and the further you go west the less they like it. I am sure that if I took my speech to the people at Pirie and showed them the honourable member's interjection he would probably be in a fair amount of strife. Like many things that this Government has done, this is a diversionary tactic, and, when all else fails and when people fall around you—and that is what has happened—you give the electorate lollies. This is a lolly, a little sweetener to distract people's attention while we go heading into the economic abyss.

How would being linked with eastern States' time make us any wiser or better off financially, and what convenience would it bring to us? I suspect that those people who support eastern standard time have long lunches, arrive late to work and probably depart early for home. I find it very difficult to understand why anyone would want to go over to eastern standard time. I agree that 9½ hours ahead of Greenwich mean time is a very unusual time indeed, a half an hour time difference. Only a couple of other points on the earth have that time, and I think Sri Lanka is one, but Sri Lanka is doing better than we are because they are beating our cricketers handsomely at the moment.

Half an hour is a very silly amount of time, and I think a better solution would be for us to go one hour ahead of Western Australia and one hour behind the eastern States, so that we are just in between. That would give us in the centre of Australia a proper time standard. So, instead of being 9½ hours ahead of Greenwich mean time we would be nine hours ahead of Greenwich mean time and I think that would be easier to understand for most people. Every hour of time is 15 degrees, and I am suggesting that the longitude we would use when the sun is overhead would be longitude 135, which runs roughly through Port Lincoln. In Brisbane, the longitude, which is 10 hours ahead of Greenwich mean time and between eastern standard time, runs about 150 miles west of Brisbane and about 60 miles west of Sydney. Yet, our longitude runs

through Warnambool, which is 160 miles east of Adelaide. So, we will have some very long days: some very dark mornings and some very long evenings.

This argument should not be had at this time but when the legislation hits the floor of the Parliament, if and when it does. I believe it is only a diversionary tactic, because with modern communications and technology, such as the telephone, the fax machine and the radio, there is no problem in communicating with anyone in the world at all. I suggest that we adopt eastern standard time and have no daylight saving. Perhaps that is the answer. However, I suspect that will not work because the easterners will want daylight saving and we will be an hour behind again. I know the Premier has always wanted to catch up with the eastern States, but all he has done is put us further and further behind. The other alternative, as I have suggested, is that we adopt nine hours ahead of Greenwich mean time on longitude 135, and we will then have daylight saving time. I really think that would be the answer. I received a letter today complaining about the fact that the Government wished to introduce daylight saving.

Another factor mentioned in the Governor's speech is the Planning Review. Planning is a very interesting and complex component of South Australia. It was introduced in about 1980 and it revolutionised what land tenure means to the average person. Before then, if you owned a patch of dirt, a block of land, an allotment or a section, it was possible to build or till the soil or take whatever action you wished unless there was legislation that said you could not. That has been reversed since the Planning Act came into operation. Now, you cannot do anything on that block of land unless you get permission: there has been a total reversal. Before the Planning Act came into being, you could do anything, unless it was specifically stated that you could not. Today, you cannot do anything unless you get permission, and that has caused some problems.

In a structured society such as ours some planning is necessary. I sit on the Environment, Resources and Development Committee listening to arguments put forward by people who have either been affected by the Planning Act or who want it changed or strengthened or, in some cases, obliterated. I think we are far enough down the track now that that cannot happen. I refer to the Mount Lofty Ranges supplementary development plan, which is causing great heartache to many people at the moment. However, I suspect that if people in Adelaide want fresh water they will have to put up with some restrictions, and if we adopt the user pays principle they might have to pay for it.

At the moment, many people are complaining about their rights and the fact that they have had their superannuation, as they call it, taken away from them. I understand that it has not just caused hardship to families but some silly little things have happened such as people being unable to carry on farming or horticulture as they did previously. However, I think it will all be sorted out in the long term. In the meantime, many thousands of unproductive hours will be wasted on trying to work it out. The Planning Act now means that all land belongs to the bureaucrats who tell you what you can do with it. Having saved your money and obtained the block of land, you now have to wait for a bureaucrat to tell you how to handle that land, whether you can build on it, till it or whatever.

Another change that I noticed in the Governor's speech which I view with interest is the proposed legislation on Crown lands. This is interesting because Crown lands do not affect very many people. It is the country people who are affected because most land in the city is virtually freehold and most Crown land is in the country. I suspect the legislation will be introduced to obtain a little more money from the country dweller. I hope not; I hope it is to facilitate the operation of the Lands Department, the transfer of land and how the land is cared for. I hope that it will not put more imposts on people who can barely pay what is required now.

Another diversionary tactic that has been put into the Bill concerns the fact that savage dogs will now have to be muzzled, leashed and castrated. This is a fairly severe penalty, although I understand that savage dogs need restraining. For the life of me, I can never understand why anyone would want a savage dog in the city. They eat dollars worth of food each week, and unless they are kept for a specific purpose—that is, to keep intruders out of certain areas—I cannot see much point in having a very large dog in the city.

However, the Government has seen fit to muzzle, leash and castrate these animals. I think there are as many docile large dogs as there are savage large dogs. This debate will raise much smoke and fire within the Parliament, and everyone will speak on it, but it really does not do very much for the good government of this State. Cats are in the same position. In the past week I have seen some of the most humorous cartoons I have seen for a long time about the situation of cats in this State. It defies the power of my imagination to think how you go about controlling a cat and how he has to be home on time at night.

The Hon. Ron Roberts made some comments about some friends of mine (and I think I must defend them), when he said, in his contribution:

> 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 their R.M. Williams boots and congregate in the Festival Centre to castigate all and sundry about all the problems that beset farmers.

He has some of it right but most of it wrong. Never mind: if farmers wish to wear moleskins, tweed jackets and R.M. Williams boots, who is the Hon. Ron Roberts to say that they cannot? If it has been decided that that is the most comfortable clobber to wear—

The Hon. R.R. Roberts interjecting:

The Hon. PETER DUNN: The Hon. Ron Roberts is interfering again, and I suspect that he is jealous that he is not wearing his R.M. Williams, because they are very comfortable—and South Australian made—boots. I suspect that he is wearing an Italian suit at the moment, which is doing nothing for our economy. R.M. Williams is a proud South Australian firm, and I will defend the right of anyone to wear R.M. Williams boots at any time and in any place.

The Hon. R.R. Roberts: And eat their Weeties!

The Hon. PETER DUNN: 'And eat their Weeties', as the honourable member interjects. But for him to make derogatory remarks about those people who, I might add,

grow plenty of wheat and wool, bring in plenty of export income and raise his standard of living, is a bit sad. If he is the pretender to the throne of the Minister of Agriculture, his speech will go down in history and be repeated to him time and again. I know that he is keen to be Minister of Agriculture and, my word, it is looking very close at the moment! If I were him, I would not be putting my foot into that soft stuff, as he has just done, at this point in his career. I quote further from his Address in Reply contribution. He says that the next part of the ritual, when they are down at the Festival Theatre, 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.'

If it has been repeated eight times in eight years, there must be some truth in it. All he is demonstrating in this speech is that the Government has got it wrong. This speech would have been presented with a bit more flair than Martin Ferguson can muster on behalf of the unions. He really is quite a sleeper. The honourable member noted some interest rates, and I should like to challenge him on those. He stated:

> The Labor movement, both State and federally, has been castigated over the past five years, and interest rates are now at about 5.75 per cent. That is the lowest they have been for 20 years.

If the honourable member can get me $100 000 at 5.7 per cent, I will take as much as he can get, because I would love to get that. It demonstrates the naivety of the present Government and its lack of understanding of financial affairs. That might be the prime rate for 90 day bank bills, but it is certainly not the amount you would pay if you were taking a fully drawn advance or, for that matter, a 90 day bank bill, since you have to add costs on to that, which all works out at around 9 per cent.

The honourable member says that these rates are the lowest for 20 years. He is correct in making that assumption, but they are certainly not at 5.75 per cent. In fact, they are much higher than that. However, that is not the point. The point is that they went to 20 per cent plus, and it was at that point that the damage was done to our primary industry, mining industry and to what is now being termed the rust belt of South Australia, since it ruined most of our secondary industry.

I do not think that the Federal Government understood this. There is no-one in the present State Government or the present Labor Party in this State who has ever been in business, been to a bank and borrowed money, repaid the loan, paid himself a salary and WorkCover and all the other things that go with private business. None of the 34 members who are in the Parliament has ever been out in business and understood how to pay money back and then pay for other Government employees at the same time.

As a result, they have not been able to pick when things go wrong. The Federal Government is in the same boat. I do not know of anyone in the Federal Parliament who has ever been in small business, and small business is the locomotive of this and every other State. If members opposite do not understand that, they will always get into trouble. So, you are in trouble before you start.

Members interjecting:

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order!

The Hon. PETER DUNN: I thank you, Mr Acting President, for your protection. I am getting quite a bit of interference from the Government of the day. We do not mind that, because we know that it does not understand what small business is all about, or the real industry of lending money and how you have to pay it back. Having been in small business and then gone on to a salary—

Members interjecting:

The ACTING PRESIDENT: Order! I think that the Hon. Mr Dunn should be able to be heard in silence.

The Hon. PETER DUNN: Thank you for your protection, Mr Acting President. When I first started farming I was on a salary of £2 a week.

The Hon. R.R. Roberts interjecting:

The Hon. PETER DUNN: The honourable member interjects that I might have been overpaid: that is probably true, but I learnt a lesson during that period. I can understand how easy it is to get into trouble in small business and how you should not get into trouble on a salary, because if you cannot budget knowing how much money you will have each week, you are in real trouble. That is what happened to the Premier. If you look at his background you will see that he went to school, then to university and then into the union movement. He was an assistant to a Minister and never had any idea of what real business is about, and that is beginning to show. The Premier lacks the fundamental understanding of how to work a dollar. But I do not blame the Premier any more than I blame the Party. Members opposite were all in the Party room and in the Caucus; they all could at least have asked him a question as to what was happening in the State Bank.

So could the Cabinet. Members of the Cabinet could have said, 'Well, Mr Premier, why are we not getting these answers?' We were asking questions in the Lower House and we were not getting the answers. But members of the Labor Party could not do this in Caucus, because they did not have the fundamentals. They did not understand how to do it. And listen to what has happened to the State: we have youth unemployment between the ages of 15 and 19 at the worst level it has ever been in this State other than during the 1930s. It is standing at 42 per cent.

So, we have 42 per cent of the 15 to 19-year-olds unemployed. In fact, the total work force in South Australia is only 637 800 and they are people who are employed on a full-time basis. That is now just a little over 7 per cent of Australia's work force. People have abandoned this State. When I first came to this Parliament, it was roughly 10 per cent and we are now down to about 7.4 per cent.

Further, when I came into the Parliament the State debt was about $2.6 billion. What is it today? This justifies my argument that I have had previously: it now exceeds $7 billion. If members do some arithmetic, if you are one of the work force—and we are part of the work force of 637 800, because we receive a salary—that means each of us have a debt on our heads. We are the only ones who can work it off. That debt is $10 975 for each one of us. That debt goes on top of everything that we have. It is not the debt you start with. We have to go into business, do some work and borrow money. We have

debts of our own in paying off loans on houses and so on. On top of that, the Government, without asking us, has imposed on each worker an additional $10 975. That goes on the high interest rate. That is the last to be paid off and that is the most expensive part to pay off, so it is very difficult.

If one goes back to when I came to the Parliament less than 10 years ago, it was only $4 000 and not $10 975. So in less than 10 years this Premier, his Cabinet and the Labor Party have managed to multiply the debt that we had in 1982 by more than two-and-a-half times. As a result, half the tax money raised in this State, or 47c in every dollar, goes in interest. If my farm or any business ran with that degree of debt over their head, they would be out the door in a flash. The banks would sell them up and they would be deemed to be unviable. However, we will continue to trade in deficits. One of the great advantages of being in Government is that one can trade in deficit and just hand the debt on to the next Government. Who will be the next Government? Of course, that will be us. We will have to correct it. We will probably get it back to an acceptable level, but when there is a change of Government, a Labor Government will do it all over again, because members opposite will not have learnt from this lesson and I am quite convinced of that.

The Hon. Anne Levy: How much debt did the Tonkin Government leave us?

The Hon. PETER DUNN: $2.6 billion and what do we have now—$7 billion.

The Hon. Anne Levy: As a proportion of GSP.

The Hon. PETER DUNN: Exactly.

The Hon. Anne Levy: It was equal in terms of—

The Hon. PETER DUNN: Rubbish it was equal! That is how much the Minister understands. She says that it is equal. We now have $7 billion, while 10 years ago we had $2.6 billion. In the short term of one Premier we have increased that debt to $10 billion.

The Hon. Anne Levy: You have to allow for GSP.

The Hon. PETER DUNN: GSP has nothing to do with it.

The Hon. Anne Levy: Of course it has, it has a great deal to do with it.

The Hon. PETER DUNN: Absolutely nothing to do with it. If I have a debt on my property, it does not matter how much I earn, I still have to pay it back. That is the problem; the Minister does not understand that. As a result, this Government has increased taxes. There was no necessity to do that. If it is the same as it was in 1982, why introduce a FID tax and why increase it to the highest in the Commonwealth when even Queensland does not have any financial institutions duty? So, it is 40 per cent higher than the next highest State.

On examination using any criteria in this State, we find that Government has muffed its lines badly and its financial mismanagement is something to behold. Its mismanagement ought to be used in every university as what not to do. We now have got ourselves into a state where we cannot even spend essential capital moneys to keep the fabric of the community going. We have had to cut those funds by about 30 per cent this year.

We have an enormous WorkCover bill. In New South Wales it is about 1.8 per cent average and here in South Australia it is about 3.5. How are we going to compete with other industries in New South Wales when its WorkCover is so much lower than ours? It just goes on and on. Adelaide has the highest inflation rate of any capital city. Do not tell me that, within the Commonwealth, that situation is not because of this Government's mismanagement of the funds. We are in a worse position than Victoria. I say again that it comes down to the fact that all members opposite are now culpable, their Cabinet is culpable, and the Premier is culpable but do not blame him for all of it. Every Minister in this Chamber should have queried what was going on, but I do not think they understood it and therefore they did not do it. When the General Manager of ETSA estimated that $100 million had to come out of its profits for 1991-92 to prop up the budget, that is rather sad when you have a basic commodity like electricity making money for the Government. That is a little like taxing your son when he is trying to run the farm. It is just so silly, but that is the way it goes.

One could also look at some of the investments made by the State Bank and SGIC and at the mismanagement of Scrimber and our pine forests. I happened to be in Melbourne the other day and looked at 333 Collins Street. We bought the building for $520 million and I understand the value of it now is under $300 million. That is the sort of thing I am talking about—just basic and fundamental mismanagement. You go to a sheep market and buy a sheep. If you are going to pay $20 for a $10 sheep, you will fall over very quickly and that is exactly what has happened to this Government.

I believe that the mismanagement by the Labor Party as a whole is something that will go down in history and it will be looked upon as a way not to run a State. In fact, it has got to the stage where, in some of the country areas, barter is the principal way of exchanging goods. Perhaps we might have to pursue that a little more. There is plenty of manpower in this State and there are plenty of ways we can fix this problem. There are many people out of work with plenty of energy to do the work, but we use money as the system to negotiate one deal to another, or one purchase to another, and money has lost its value. With regard to the money fiddlers, the money lenders, or the money manipulators, most of us will recall how wealthy they were a few years ago and how poor they are now.

However, as they have become poor, so the method of exchanging goods has changed. I think members will find that many people use barter as a method of work where they swap work, they swap jobs and they swap articles so that they are avoiding Government taxes and charges.

I will limit some of my suggested cures to this State only. I think hard work is the first one. We have all become a fairly mendicant nation. We tend to blame the Federal Government: it does not hand out enough money, but I think that, if we worked a little harder, and particularly if our management worked a little harder or more efficiently, the work force would have more confidence in them and I think we could probably trade our way out of the mess we have got ourselves into now.

Experienced Government Ministers would be a help. At the moment, they just take advice from their bureaucrats. They have been powerful for so long now that the interference by the bureaucrats is colouring the free-thinking of the Ministers themselves, and they are not

making good decisions. Cuts in costs can be made by all forms of management, by all forms of industry. We can cut back what everyone takes. If we are to get this community on its feet, we must cut the costs across the board and make it work efficiently. That is what has happened in most small businesses: they are living on the smell of an oily rag at the moment, but at least they have a job and at least they are working very hard.

One has only to talk to anyone who works in a delicatessen, restaurant, on a farm or in any other small business to see that they are all working very hard. However, we do have a very big Public Service here, which works to rule and which works to a salary, that cannot be changed or shifted, and you cannot get the sack. Many of those work practices today really do not fit the bill: they are nineteenth century work practices, which were developed by the union. The system is big, hidebound and very difficult to change, because it is so big and cumbersome.

We do have to reform our transport and our wharves, and I will cite one example of that. Mitsubishi cars can be carted to New Zealand. However, under this present system an agreement has been reached on our local shipping and trading system such that it is cheaper to cart them to Japan first and then take them to New Zealand rather than just across the Tasman Sea. If that is not ridiculous, I do not know what is. It is cheaper to cart gypsum from South America to Melbourne than it is to cart it from Ceduna or Thevenard to Melbourne. As a result, the Melbourne works is using a certain amount of South American gypsum, not because it is better—it is not (in fact, it is of inferior quality)—but because it is cheaper to get it there by sea. If that is just not plain stupidity, I do not know what is.

So, we must lower all those factors and make them work efficiently. We must lower Government costs and charges—not increase them, as has been proposed. We must lower our WorkCover levy and financial institutions duty, and we must become competitive with other States.

The Hon. Diana Laidlaw: And internationally.

The Hon. PETER DUNN: And internationally, of course, because, if we trade with other people, we will raise our standard of living and pay off some of the debt that has been incurred by Federal and State Governments. I can only say that the speech that was presented to us so ably by Her Excellency was a speech not of the Government but of a group of people who are looking for a spell.

The Hon. J.F. STEFANI: I rise to speak in support of the motion, and in so doing I wish to thank Her Excellency, the Governor of South Australia, Dame Roma Mitchell, for her speech and for opening this Session of Parliament. In recent years, many factors have brought misery and concern to the people of South Australia. We all recognise that the Bannon Government has unashamedly presided over one of the worst periods of financial mismanagement of the State's finances in the entire history of South Australia. The present and all future generations will be called upon to pay for the heavy burden of debt and financial losses which will remain a legacy of this Labor Government and will be a constant reminder of the lost opportunities which would have enabled our future growth and development.

As a result of our debt burden, economic recovery for South Australia will be at a much lower level than any other State, and the much needed boost for employment opportunities, particularly for young South Australians, will be greatly affected. It is because of this poor structural financial position that our State Government will be required to adopt a new approach to attract additional investment and growth in order to create long-term jobs for our community. This brings me to a consideration and assessment of the proposal for the multifunction polis as a concept which may provide a much-needed financial base for economic growth in South Australia.

As a State, we are all being asked to make a quantum psychological leap. We are also required to go from an anti-intellectual frontier mentality, which makes a virtue of mediocrity, to a high technology world of unknown dimensions, all within 20 years. The MFP, which will be built on the tidal lowlands between the Torrens Island power station, the mangrove swamps and the Wingfield garbage dump, will be located about 15 km from the centre of the city and is envisaged as an urban and community development with a mosiac of forests, lakes and open fields, linked with Adelaide and the world and intra-linked by a new and highly developed telecommunications system. The concept is to be a local, national and international project and aims to address the opportunities and challenges of the twenty-first century in a practical way with an appropriate focus on the themes of people, technology and the environment.

The aim of this development is simultaneously to create a centre for research and education which will provide a focus for international business investment in new and emerging technologies. This in turn will provide a boost for employment opportunities in high-tech industries and the possibility of living in an urban village development which will be located on the core site at Gillman. The project is to incorporate other villages to be built on the crescent of land and waterways extending for the Lefevre Peninsula through Port Adelaide and Gillman to Technology Park at the north-western perimeter of Adelaide.

Gillman, as we all know, is a low-lying and partially degraded and contaminated site because of the past ineffective waste-water management and waste disposal practices. What the MFP Corporation intends to do is incorporate the concept of the intelligent building (where form and function are totally integrated within a building shell) to form an urban and community development dedicated to innovation, education, information technology, communications and environmental management.

A report from the MFP claims that the project will create a city of villages built on reclaimed land, and a model community will be founded with the aim of establishing relationships between people and technology and the environment in which they live. The proposed urban development will be completely self-contained, and people will be able to choose to live, learn, work and engage in a range of recreational activities without travelling long distances. The villages will offer new residential options that represent a balance between the new and the old. They will aim to incorporate some of the best features of Adelaide's suburban environment, but

they will also be different in their high residential densities, relationships with water and parklands and the use of a wide range of new technology. The criterion for this urban development will require that the villages will be commercially viable, which means that they must be attractive to the real estate market.

As laudable as the stated objectives of the MFP project might be, the project still remains an unknown quantity, and the concept has so far failed to gain total community support. Part of the reason for this lies in the magnitude of the growth projections that are being put forward, coupled with the financial constraints of the State's finances and the general view that the South Australian community cannot afford another diaster or a major financial commitment of this magnitude without the absolute assurances of a successful development and the appropriate financial benefits to State Treasury and other potential investors.

As a concept, the MFP has the potential to increase the State's gross product by a minimum of $1 600 million, which is approximately half the sum allocated by the Bannon Government for the State Bank bail out, and the potential of a maximum of $11 000 million in contributions. The public sector is likely to receive between $325 million and $2 170 million in new taxes and charges.

The project is estimated to create, directly or indirectly, an extra 43 000 jobs by the year 2008. Obviously, this long-term employment potential will be a key benefit for the people of South Australia, who will be required to pay an additional $105 million for the initial infrastructure costs and an additional $9 million per year in ongoing costs based on 1991 prices. It is expected that more than 50 000 people could live in the villages to be constructed on the core site at Gillman and that another 50 000 people could be attracted to live elsewhere in Adelaide. The development of the Gillman site is a real estate proposition which offers rates of return of around 24 per cent. In those terms, it does offer an attraction to the real estate market.

From an engineering standpoint, it has been said that the civil engineering involved in constructing the urban village at Gillman offers no insurmountable obstacles. Feasibility studies completed by an engineering consortium have established that the scale and nature of the proposed development would enable the location of specific features and design to be modified to accommodate the constraints of the development. A report indicates that it is possible to place existing powerlines underground, to design around the natural gas pipeline which transports gas from Moomba to the Torrens Island Power Station and to provide a buffer zone around existing mangroves.

Wherever possible, the designers have sought to make features of physical constraints, such as making a landscaped feature of the Wingfield dump, which is highly unsuitable for residential development. While there may be no engineering barriers, the question whether it will be an elaborate real estate development or a fully-integrated urban technopolis is far from being answered.

It is true to say that, when the MFP proposal was first mooted, many people held the view that the invention would create a Japanese enclave on Australian soil. The proposal was slammed by many community groups because it was feared that Australia, on its own, would have neither the will nor the capital to develop such a concept. Some five years later, and with the MFP site now located in Adelaide, this Australian project of the twenty-first century has broadened its scope, but I believe it will still require a substantial amount of overseas investment to ensure that its full potential is totally realised.

Attracting new industries is pivotal to the success of the MFP and, in that regard, the areas of information technology and telecommunications, environmental management and education have been targeted as the most likely activities to be established. However, with the Technology Park and the Science Park still to make money after almost 10 years of operation, the prospect of the MFP as a commercial venture remains in doubt.

It is my view that some of the information and telecommunications and health developments may well be more appropriately located at Technology Park and Science Park. An environmental management centre, together with the headquarters of the information and telecommunications industries, could well be given some priority for the Gillman site.

There are other optimistic projections that the MFP in Adelaide will become a site for Australia's space industry, a major health complex, a hotel and convention centre, a film and video production centre and the international standard express freight gateway to the world. All these optimistic proposals are very exciting initiatives. However, it will be imperative for the Government to ensure that the success of this project can be guaranteed by developing community and long-term bipartisan political support, coupled with a well-balanced international promotion and marketing program built on a credible and an achievable vision and the identification of what will be necessary to attract key people and companies to establish at the multifunction polis in Adelaide. I support the motion.

The Hon. ANNE LEVY secured the adjournment of the debate.

STATE BANK

The ACTING PRESIDENT (Hon. M.S. Feleppa): Members will recall that yesterday the President tabled in this Council a report by the Ombudsman about the State Bank files. Today the President received further correspondence from the Ombudsman which I will now read to the Council, as follows:

Dear Mr Bruce,

I refer to my urgent report which disposed of the principal concerns relating to the documents which were in fact discovered. As intimated at page 4 of my report I believe that there are further reasons to pursue several recently made allegations that there may be other files or reports kept on persons which could not be characterised as a normal aspect of a commercial banking practice. Clearly I cannot form any opinion on the existence or non-existence of other 'phantom files' or effectively pursue such matters without appropriate evidence being provided to me in this regard. I understand from discussions with a potential complainant/witness that further relevant information may be supplied to me in this regard within the next several days, and I will then be able to determine the proper course to be adopted in relation to this investigation.

Accordingly, I request that the report which comprises my statement of the current position, the notice of inquiry and the attached affidavits be treated only as an 'interim report'. Furthermore, I think my report makes it clear that any person who believes that they may be directly affected by this inquiry should provide relevant information to the Ombudsman. If no further cogent information is provided, then I will also advise you accordingly.

I trust that this letter will further clarify my current position in the matter.

Yours sincerely
E. Biganovsky
Ombudsman

ADJOURNMENT

At 6.19 p.m. the Council adjourned until Thursday 20 August at 2.15 p.m.