LEGISLATIVE COUNCIL

Wednesday 14 October 1992

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

WILSON, Mr ARTHUR

The PRESIDENT: I advise the Council of the sad passing on Saturday of Mr Arthur Wilson, aged 62 years, who had been a member of the caretakers staff for some 10 years. Arthur Wilson migrated to Australia from England some 30 years ago and first lived in the Riverland area of South Australia before taking up his position on the staff of Parliament House. Arthur Wilson was a quiet, obliging and most reliable person on the caretakers staff. He is sadly missed by his fellow caretakers as well as all the staff and members of this Parliament. I am sure members will join with me in expressing our sincere sympathy to his family.

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.S. FELEPPA: I lay on the table the nineteenth report of the committee, as well as the minutes of evidence concerning the regulations under the Medical Practitioners Act with reference to an increase in the registration fee.

QUESTIONS

HIGH COURT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to asking the Attorney-General a question about the High Court.

Leave granted.

The Hon. K.T. GRIFFIN: Over the past week, a controversy has been raging about the role of the High Court in the Australian legal system. The debate began with Justice Toohey of the High Court suggesting in Darwin at a constitutional conference that the High Court may have to move towards developing, in effect, a Bill of Rights for Australia. This, understandably, provoked outrage that an unelected body should be able to legislate to develop the law, although I, and I think most people, will acknowledge that, if the High Court chooses to do this, probably little can be done to prevent it from acting in this way.

Concern was expressed that the High Court would become a controversial political instrument, as the United States Supreme Court has been for many years. Senator Tate in the Senate expressed his outrage at an unelected body developing the law. The Law Council criticised Senator Tate. Later, the Federal Attorney-General, Mr Duffy, tried to dampen down the debate and denied earlier assertions that the proposition of Justice Toohey would necessarily require a greater level of vetting of prospective High Court judges as occurs in the United States. Mr Duffy expressed the view that this sort of vetting would tend to politicise the High Court, although one can only observe that, if the High Court makes decisions which, for example, have the effect of developing a Bill of Rights, it will itself become political.

High Court judges are appointed by the Federal Government but the practice that is generally followed, as I understand it—it certainly was in my time—is that the Federal Attorney-General consulted with State Attorneys-General as to appointments so that the States could have some say at least in relation to the nominees and some role to play, even though the Federal Attorney-General was then at liberty to make his own decision. My questions to the Attorney-General are:

1. In the light of Justice Toohey's statements, will the Attorney-General be paying closer attention to the philosophical views of nominees for the High Court in respect of whom he may be requested to comment?

2. Does he agree with the Federal Attorney-General or with Senator Tate in respect of the potential vetting of nominees?

3. With whom does he agree in respect of the desirability of the High Court developing a Bill of Rights in Australia?

The Hon. C.J. SUMNER: I will not be paying any closer attention to the philosophical views of potential appointees to the High Court than is already paid. To suggest that the High Court is not a political body is something that I believe is wrong. Obviously it is a political body in the broadest sense of the word because the High Court makes decisions which have significant political impact. I do not think that at the level of an appeal court, such as the High Court, one can say that all the members of the court are completely free of political views, views about the way that Government is run, the way the Constitution should be interpreted or about whether or not there should be a Bill of Rights somehow or other written into the Australian Constitution. They are all political issues: that is the fact of the matter.

People in the past who have tried somehow or other to present the High Court as a group of lawyers who are totally divorced and free from any political background, values or the like, have totally misinterpreted the situation.

The Hon. Peter Dunn: Murphy fixed that up.

The Hon. C.J. SUMNER: I do not think that you can introduce the late Justice Murphy into the debate without referring to Sir Garfield Barwick, Sir John Latham, Sir Edward McTiernan and a number of other High Court judges who had a political background. I do not think the fact that one has had a political background disqualifies one from being appointed to the High Court or indeed any other court.

The Hon. R.I. Lucas: Or the Supreme Court.

The Hon. C.J. SUMNER: Or the Supreme Court. That is true; it has happened there, and it might happen again. One never knows. That is right.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Yes, it might happen again. I understand that the Hon. Mr Griffin is running in—

The Hon. R.I. Lucas: Justice Sumner.

The Hon. C.J. SUMNER: Well, it has a nice ring to it.

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

The Hon. C.J. SUMNER: I am pleased to see that the Council enthusiastically endorses this proposition.

The Hon. Peter Dunn: Would you like to go tomorrow?

The Hon. C.J. SUMNER: The Hon. Mr Dunn asks me whether I would like to go tomorrow. If I thought that there was such overwhelming support from the Council, I would have gone long ago. I do not think one can say that, simply because a person has had a political career or views in the past, they should be precluded from appointment to the High Court or indeed any other court. I also do not think that one can say that lawyers appointed to judicial office suddenly dispense with their value systems and do not have them taken into consideration when making decisions on certain issues.

That is even more important at the level of a High Court, which has to adjudicate on issues relating to Government at the highest level and deals with what are very important political issues. Obviously they do their best to interpret the Constitution as they see it and according to the law, but it would be obvious from the decisions of the High Court that there are significant differing views on how the Constitution should be interpreted. I do not think for one moment that 20 or 30 years ago the High Court would, in its wildest dreams, have thought of interpreting the Constitution in a way that it recently interpreted it by implying that there is some right to free speech that is written into the Constitution by virtue of its current terms.

To the High Court 30 years ago that would have been quite anathema. But it now seems to be something that, in one way or another, the High Court is prepared to contemplate and about which, indeed, a High Court judge is prepared to speculate in a public forum, which is not actually the High Court. He was not doing it in a judgment: in effect, he was entering the public debate outside the court, apparently to put a point of view indicating that the court might in future imply a bill of rights into the Australian Constitution.

The South Australian Government intervened in one of the cases, the broadcasting case, and the view put by us was that the High Court ought not to take that step of implying a bill of rights into the Federal Constitution. That is my personal view. I believe that, if that is going to be done, it ought to be done by the electors of Australia deciding in a referendum that a bill of rights is an appropriate form of safeguard for individual liberties in this country and that, by democratic vote, the people should insert it in the Constitution.

Attempts to insert limited rights into the Constitution by referendum have occurred, most recently three or four years ago when referenda were put up by the then Attorney-General (Mr Bowen) dealing with the freedom of religion, the right to trial by jury and a couple of other reasonably important and fundamental rights. However, as members know—

The Hon. Anne Levy: Recognition of local government.

The Hon. C.J. SUMNER: That was not a matter of individual rights as such. Nevertheless, all the proposals were thrown out unceremoniously by the people; they were defeated. Of course, it should be pointed out that members opposite were vigorous in their opposition to the incorporation of any bill of rights into the Australian Constitution. If it is to happen, I do not think it should happen by the process of judicial interpretation. It should happen by a properly constituted referendum and democratic debate, which is not to say that the High Court may not, in its interpretation of the constitution, imply some limited rights. However, the Government would argue that it would be taking its powers too far and stretching the words of the Constitution too far to import into the Constitution a comprehensive bill of rights.

TRANSPORT POLICY AND PLANNING OFFICE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Transport Development a question about the Office of Transport Policy and Planning.

Leave granted.

The Hon. DIANA LAIDLAW: On 1 October, two days after the Minister was given her new responsibilities for transport development, the Premier announced that the Office of Transport Policy and Planning would be abolished and that the CEO of the Department of Road Transport (Mr Payze) would be the new portfolio coordinator for transport. Apparently, senior officers in the STA and in the Department of Marine and Harbors were not too impressed by this decision, nor were officers in the Office of Transport Policy and Planning. I have been told that, contrary to the wishes of the Premier, the Minister now realises that she needs the assistance of a coordinating unit to oversee the complex and diverse issues in the transport development portfolio. My questions are:

1. What reasons convinced the Premier that the Office of Transport Policy and Planning should be abolished?

2. Is it correct that the Minister is now keen for the office to be reinstated?

3. Will the Minister confirm that a paper is now being prepared to retain and not to abolish the office?

4. If so, when will this matter be resolved, so that the 16 people employed in the office know their fate and that Mr Payze knows whether he is to be one of the Premier's 'super seven' coordinators?

The Hon. BARBARA WIESE: As the honourable member outlines, in the initial statements that were made by the Premier the intention was expressed to abolish the Office of Transport Policy and Planning. During the first few days after I became Minister of Transport Development and when I had the opportunity to review the various agencies that make up the transport development portfolio, I acquainted myself more fully with the work that is undertaken by the Office of Transport Policy and Planning. I have taken the view that it would be a retrograde step to abolish that unit and, potentially, to lose the services of some of the very skilled people who work within that unit. I have therefore expressed my reservations on that matter to the Premier and he has agreed that a decision about that matter should be deferred until such time as more consideration can be given to the question.

I believe that the Office of Transport Policy and Planning has performed a useful role for Government in the provision of advice on transport issues, of many kinds, and with the additional responsibility that I have been given to play a role in developing the transport hub concept it seems to me that considerable expertise resides within that office which could be very helpful in developing the Government's proposals for the transport hub concept, in addition to the independent advice on transport issues which is provided from time to time related to the specific transport agencies that are already in existence.

With that in mind I have had discussions with the Premier about the matter, as I say, and I have also discussed the issue with Mr Payze, who has been appointed as the coordinator for all of the agencies that are part of my responsibility. We have now approached the Commissioner for Public Employment with a view to seeking the assistance of an officer within his area to review the operations of the Office of Transport Policy and Planning and the additional responsibilities that I have been asked to take on as Minister of Transport Development, with a view to providing me with advice on how best we can structure the services that I will require to fulfil my responsibilities.

That review, which I hope will be a fairly quick and efficient review, will begin almost immediately, and this morning I met with all of the staff in the office to inform them of my intentions and to let them know that it is my preference that the unit not be abolished and that we should work to come up with ideas on how best they can assist Government. I have also stressed to members of the staff that I would expect them to have considerable input into the review itself, and they are very happy with that process. The Public Service Association is also being informed of our intentions and will be involved in the process as well. I hope to receive advice in the very near future on how best we can organise the range of services to be provided to me and to the Government.

In response to the final question that was asked by the honourable member, I point out that however this review turns out that would not in any way affect the responsibility which has been given to Mr Payze to act as the coordinator across the portfolio area. I am very happy with that arrangement. I think he is a very competent officer and is well placed to fulfil the responsibility as coordinator. I believe once we have the results of the review of the Office of Transport Policy and Planning and the views of relevant people we will have in place a structure which will be of great assistance to me in fulfilling my new responsibilities.

The Hon. DIANA LAIDLAW: As a supplementary question, at some later stage will the Minister bring back a reply to my first question, which concerned the reasons that convinced the Premier to get rid of the office in the first place?

The Hon. BARBARA WIESE: I will have to refer that question to the Premier for his consideration. If he wishes to respond to that question I am sure that he will.

COMPUTERS

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question about computer software prices.

Leave granted.

The Hon. R.I. LUCAS: There has been a lot of recent press coverage about the Prices Surveillance Authority's final report into computer software pricing. The PSA says that Australians on average are paying 49 per cent more for computer software than are American consumers. The report found that Australian dealers add nearly 23 per cent more to the street price of this software than do their American counterparts. It said that to arrive at a retail price Australian dealers add slightly more than 39 per cent to the wholesale price of software, yet American dealers add only 12.65 per cent to the wholesale price.

The PSA report says that because the Australian software market is relatively small and therefore less open to competition our geographical isolation provides an opportunity for price discrimination. The Chairman of the PSA, Professor Allan Fels, makes the point that everyone is affected by these software prices: whether it is families drawing up budgets or using them for entertainment, students doing projects, small or big businesses using business packages and now of course many farmers who use home-based personal computers for running the farm, they all suffer because of the inflated Australian prices.

Professor Fels concluded that the high cost of computer software was impeding exporters and import competitors and that by dropping import barriers an extra 1 200 jobs could be created in the Australian software industry through increased demand and competitiveness. My questions are as follows:

1. Does the Minister agree with the view that computer software in Australia is over-priced and that Australian consumers are being subjected to price discrimination?

2. Does the Minister support the proposals by the Prices Surveillance Authority that the Federal Government lift import restrictions on computer software in order to cut prices?

The Hon. ANNE LEVY: This is obviously a matter of some controversy. The computer software industry in Australia is certainly a very innovative and competent industry which has produced a great deal and of which as Australians we can all be proud. I am aware of the study that has been undertaken by Professor Allan Fels, but I am not aware of any other study that has been undertaken which might either confirm or contradict his conclusions. I will certainly make inquiries as to whether there are any other evaluations of the effect on prices of the current situation.

I should add that matters concerning import legislation, as to whether or not there should be tariffs, are not matters for me as Minister of Consumer Affairs in South Australia; they are Federal matters, as I am sure the honourable member is aware. It is not within my powers to implement anything in that regard. However, I will seek a report on the matters which he has raised and may be able to provide more detailed information to the honourable member.

DISABLED PERSONS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking a question—I am not quite sure of which Minister after the portfolio changes—in relation to employer of the year awards in relation to disability.

Leave granted.

The Hon. M.J. ELLIOTT: This matter could quite likely involve both the Ministers of Health or Labour, so probably either could have a shot at this one if they like. In recent days, I have spoken to public servants, and they still do not know which departments they are in, but I am sure some Minister will take up the matter.

The PRESIDENT: The Attorney-General will take it.

The Hon. M.J. ELLIOTT: Recently, I received a copy of *Breakthrough*, a newsletter produced by the Disability Advisory Council of Australia, which reported on the September presentation of the Prime Minister's employer of the year awards. I am sure South Australians are quite proud that the Department of Housing and Construction here in South Australia was judged the national winner in category B for organisations with more than 100 employees. Comments from award winners around Australia provide proof that people with disabilities are valuable members of the work force. The disappointment in the newsletter was seeing that no award at all came into South Australia category A, which was for organisations with fewer than 100 employees. My questions are:

1. What is the State Government doing to encourage employment of people with disabilities in the private sector, given that its activity has been recognised in this area? In South Australia it appears that we are a little bit behind.

2. Will the Minister investigate perhaps what is behind the failure of anybody in South Australia to win awards in category A in 1992?

The Hon. C.J. SUMNER: We are not behind in this area; in fact, we are well up with the game in the area of disability policy, as the honourable member would know. Indeed, that has been something that has been the situation in South Australia now for over a decade—indeed since the Hon. Mr Griffin took a particular interest in this area as Attorney-General during International Year of the Disabled. So, we have been up with the game. We have had a disability adviser appointed who has pioneered a number of initiatives, including the access cabs. Generally, from what I know of it—and I have had some responsibility in the equal opportunity area in the past—South Australia has been very much up with the leading initiatives in this area. However, I am happy to refer the honourable member's—

The Hon. Anne Levy: He said that we had won an award.

The Hon. M.J. Elliot: That is what I said.

The Hon. C.J. SUMNER: Yes, I know: he said that we had won an award, but then he went to be critical of some other aspects of—

The Hon. M.J. Elliott: Small and private employers did not do so well.

The Hon. C.J. SUMNER: All right, that's fine, and that is what I intend to refer to the appropriate Minister in order to get a reply.

SATCO

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing a question to the Attorney-General as Leader of the Government on the subject of an oversees trip by SATCO executives.

Leave granted.

The Hon. L.H. DAVIS: On five occasions, on 20 February, 6 May, 19 August, 20 August and 9 September, I either asked questions in Parliament or wrote to the then Minister of Forests, Mr Klunder, seeking information about an overseas trip undertaken by SATCO Chairman, Mr Graeme Higginson, and two other SATCO executives, Mr Roger White and Mr Campbell. Five and a half months later, I received a totally unsatisfactory answer. Finally, two weeks ago, I received further answers from Mr Klunder on the eve of his departure as Minister of Forests. Again, he refused to answer all questions, but he did provide the following information.

Mr Higginson and Mr White were overseas between 5 and 25 January 1992. Mr Campbell was overseas for only six days on the Asian leg of the trip. The three executives spent $11 266.79 on accommodation for 42 bed nights. That is about $270 per night each for accommodation alone, which is an extraordinary amount in view of the fact that, in North America, where most of their time was spent, hotel rates are very reasonable in the off season. This global timber trotting trio spent an extraordinary $7 575.10 on food, car hire, taxis, meals and entertainment. That is a remarkable $180 a day each, particularly when one remembers that they would be presumably sharing cars and taxis and that car hire in America is certainly no more than $40 a day.

The air travel costs were a staggering $24 277.71. Mr Higginson and Mr White spent $9 920.74 each on air travel, and Mr Campbell spent $4 436.23. They travelled business class on all international routes. Altogether, a total of $43 119.60 was lavished on this trip, which allegedly was to sell the merits of the failed $60 million Scrimber process. However, the Scrimber plant in Mount Gambier at the time of its closure in August 1991 had not produced one stick of commercial Scrimber. Certainly, the other SATCO venture, plywood, LVL and sawmilling, would never have justified a trip of this nature. Mr Klunder further advised that Mr Higginson had only 14 meetings during this three-week trip. Mr Klunder has continually refused to disclose the cities visited by the three SATCO executives, but he did advise that 12 cities were visited.

An honourable member interjecting:

The Hon. L.H. DAVIS: You might well know this information but certainly it has not been provided before to the Council, and it has been seven months coming.

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: That information I have just given you is certainly not in *Hansard*.

The PRESIDENT: Order! The Hon. Mr Davis will address the Chair.

The Hon. L.H. DAVIS: I have received phone calls and correspondence from angry taxpayers with information about this trip. I understand that Mr Higginson visited Kuala Lumpur, Bangkok and Hong Kong. In the United States, Mr Higginson visited New York, Los Angeles, Atlanta and Portland. But I do not know the other five destinations. However, I can confirm that Mr Higginson did visit Disneyland while in Los Angeles.

The Hon. Peter Dunn: Perhaps he was trying to sell Scrimber to Mickey Mouse.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I do not know that. People who know about this trip have described it as a giant junket from beginning to end, with no expense spared, and as an outrageous rort at the taxpayer's expense. My questions to the Attorney are:

1. How does the new Arnold Government justify this trip in view of the fact that not one stick of commercial Scrimber had been produced?

2. Why was it necessary for three executives to go on the trip?

3. How does the Government justify the expenditure of over $43 000 on this overseas trip with executives spending over $450 a day each on accommodation and other expenses?

4. What were the other five cities visited by Mr Higginson?

5. In view of the giant cover up of information about this trip, will the new Minister responsible for forests investigate the trip and provide a report to Parliament?

6. Does the Government have any guidelines for overseas travel by Ministers, Ministerial staff, public servants and employees of statutory authorities and, if not, why not and, if so, will these guidelines be made public immediately?

The Hon. C.J. SUMNER: I will refer those questions to the new Minister, who I am sure will be keen to provide a reply to the honourable member. As to the question of overseas travel, the honourable member is aware, first, that there is the parliamentary travel scheme, which he uses from time to time, and he is aware of the guidelines that apply in relation to that. Occasionally, Ministers also make use of the parliamentary travel scheme for their travel on business purposes and they are governed by the rules relating to the parliamentary travel scheme. Other Ministerial travel has to be approved by Cabinet, and Cabinet submissions usually outline the purpose of the travel, and give an estimated cost and an indication of who will be travelling with the Minister. I do not know about all occasions, but I think it is customary for Ministers to travel business class when they travel on long overseas trips, although it is customary within Australia, for most Ministers at least I believe, to travel economy class.

As to public servants, the Overseas Travel Committee is chaired by the Commissioner for Public Employment. Applications for overseas travel from public servants must be made to that committee, which then considers the reasons for it.

The Hon. L.H. Davis: Budgets set?

The Hon. C.J. SUMNER: Yes, I understand that budgets are prepared and approved by that committee, so a structure is set up to ensure that overseas travel is scrutinised. I am sure that the honourable member would not want to say that members of Government or Parliament ought not to avail themselves of overseas travel that can enhance the task that they are doing in Government or in Parliament. That is the general structure, to answer the last question.

I am not aware of the specifics of this travel to which the honourable member has referred but, as he has pointed out, we have a new Minister, and I will refer the question to him to see whether he can add anything to the previous information that has been provided.

BUS ZONES

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister for Housing, Urban Development and Local Government Relations, a question about bus parking.

Leave granted.

The Hon. J.C. IRWIN: I am advised by a bus proprietor that, despite an assurance that a charge would not be immediate, he received a letter from the Adelaide City Council saying that in future he would have to pay $25 to the central bus depot each time he used the bus zone in Bowen Street, Adelaide. He stated that there may be a discriminatory practice by the Adelaide City Council as the Mount Barker bus passenger service, whose proprietor is an Adelaide city councillor, was allowed to park three buses in the nearby bus zone in Franklin Street all day without charge, although not loading or unloading.

Regulations 8 and 18 *(c)* (iii) state clearly that any bus may be in a bus zone for up to 15 minutes for the purpose of picking up and setting down passengers. The council can impose a charge pursuant to regulation 22 by means of a parking meter or ticket dispensing device only in a parking zone. There appears to be no provision to allow such devices to be installed for a bus zone.

Is the Minister aware of any plans by the Adelaide City Council or any other council to charge for the use of bus zones, and will the Minister indicate how a council can charge for the use of a bus zone by the STA or indeed by any private bus company?

The Hon. ANNE LEVY: I will have to refer those questions to my colleague in another place and bring back a reply, but I can say that in my previous incarnation as Minister for Local Government Relations I was aware of suggestions by the Adelaide City Council of controlling bus parking to ensure that particular areas of the city were not permanently tied up with bus parking. There was a desire to spread bus parking more evenly through the streets under the control of the city council. I will refer the question to my colleague for a detailed response and bring back a reply.

TARIFFS

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about tariffs.

Leave granted.

The Hon. I. GILFILLAN: Next Monday the independent Federal parliamentary inquiry into tariffs will hold a public hearing in Adelaide. So far the inquiry has held three public hearings—two in Melbourne and one in Canberra—taking evidence from business, industry and unions on the effects of tariff reduction policies of the Federal Labor Government and the coalition's proposed zero tariff policy. South Australia's economy stands to be the most seriously affected by these destructive policies, with our automotive industry in particular threatened to the point of extinction.

The Director of the Federation of Automotive Products, Mr Malcolm Stewart, recently predicted a reduction in the automotive industry of 25 per cent by the end of the decade under current tariff policies, with South Australia set to lose thousands of industry-related jobs. Evidence presented to the inquiry to date paints a gloomy picture for South Australia with massive deindustrialisation of our economy poised to occur, a picture that would leave the City of Elizabeth a virtual ghost town and an economic graveyard.

Our furniture industry Australia-wide employs 50 000 people, earning more than $4 billion a year, with many thousands of those people being employed in South Australia. The impact of tariff policies would decimate that industry. Indeed, the impact of tariff policies has already allowed a record 35 per cent of imports, primarily from ASEAN countries into Australia, yet these countries maintain tariff barriers against our own products of up to 85 per cent. The problem extends to South Australia's heavy engineering industry, which has declined by 60 per cent in recent years and is expected to decline further under current policies. South Australia's clothing, textile and footwear industries are being hard hit with dozens of jobs a week being lost as reduced tariff measures begin to bite.

Nationally, jobs in the industry have plummeted by more than 40 000 in the past five years, and industry experts are predicting massive job losses as tariffs threaten industry viability. For South Australia's economy the prospect of further tariff reductions is devastating and several sectors, including the automotive and manufacturing industries, the horticultural sector and other associated businesses, will have difficulty surviving.

The question that has been put to the committee related to what would happen to cities such as Elizabeth and cities in other States of Australia, particularly Victoria, if jobs in the clothing and footwear industries evaporated. How do fruit and juice growers in the Riverland and elsewhere compete with heavily subsidised markets, and what flow-on effect will tariff reductions have on our community as unemployment continues to grow?

I am sure that all members know that people in this State are worried about their future and the future of their children's employment with the impact of the current tariff reductions, let alone those proposed by the coalition. My questions to the Attorney-General are:

1. Does the South Australian Government support the tariff policies of the Federal Labor Government?

2. If not, what action has the Government taken to push for a change of policy in Canberra?

3. What are the State Government's estimates of jobs that will be lost in South Australia if the Federal Government continues to push ahead with its tariff reduction policies?

The Hon. C.J. SUMNER: I will refer questions Nos 2 and 3 to the appropriate Minister.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: I cannot give the figures off the top of my head as to how many jobs will be lost as a result of a particular policy. It is quite unreasonable for—

The Hon. I. Gilfillan: Do you agree with Federal policy?

The Hon. C.J. SUMNER: That is the first question, which I will answer. Keep quiet and stop interjecting and you might get somewhere. I said that I will refer the second and third questions to the appropriate Minister as expecting me to make an assessment of the number of jobs that will be lost following a particular policy is, I think, a bit unreasonable, so I do not intend to speculate about it.

The Hon. I. Gilfillan: I thought anyone in the Government would be interested in that.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am not saying I am not interested; I just do not know the answer—okay! I am sorry, I do not know the answer: I am happy to admit it. I do not know the answer. I know I am a dumbo, but I do not know the answer to that question right at this moment off the top of my head. The honourable member may like to ask members opposite or anyone else whether they know the answer off the top of their head. I am happy to admit that I do not know; I am sorry. I apologise to the honourable member and I will make sure that I lift my game in future so that next time it will all be up here and I will be able to spiel it off without any difficulty. However, I am not in a position to do that now so I will refer the question to the appropriate Minister who will be able to give an assessment of what was quite a technical question.

As to the first question, the South Australian Government has adopted a pragmatic approach to tariff policy, an industry-by-industry approach, and has put to the Federal Government its view in relation to particular industries. Again, I will obtain further information about that. However, as the honourable member knows—and it is on the public record in this Chamber and elsewhere—the South Australian Government made strong representations to the Federal Government when the proposal for the tariff reduction on motor vehicles was being debated prior to the formulation of the Federal Government's policy, and we did not agree with the proposals initially put forward for tariff reductions.

We put strong submissions to the Federal Government that tariff reductions of the kind originally being contemplated would have a devastating effect on the car industry in South Australia, and I believe that, partly as a result of the submissions put by the South Australian Government, the original proposals were modified and the current proposals put in place. The South Australian Government has accepted those because it has no choice, but the current proposals were not what we had originally put to the Federal Government.

Obviously, the Federal Government made its decision and, of course, the Federal Opposition has a much more liberal tariff policy even than the Federal Labor

Government. All I am saying is that, from the South Australian point of view, we have taken an industry-by-industry approach to the matter. We have made representations on the clothing, textile and footwear industry from time to time. We made strong representations on the tariff policy relating to the motor vehicle industry and have attempted to influence the Federal Government's policy in this area with, I believe, some success in the case of motor vehicles although, obviously, not gaining complete acceptance from the Federal Government of the position that we put.

However, I will obtain answers to the other questions and can obtain some more specific answers to the first question asked by the honourable member. I will also attempt to obtain from the appropriate Minister details of other submissions that have been put on tariff policy to the Federal Government.

OVERSEAS QUALIFICATION UNIT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Multicultural and Ethnic Affairs, a question about the Overseas Qualification Unit.

Leave granted.

The Hon. J.F. STEFANI: The Overseas Qualification Unit was established within the Multicultural and Ethnic Affairs Commission in 1987. Following the increase in demand for the services provided by this unit, in 1989 the resources were increased to five full-time staff positions. During the financial period 1990-91, the Overseas Qualification Unit held 1 165 client interviews, assisting 788 clients, 359 of whom were females. The unit provided clients with counselling and advice, with referral assistance and with other information relating to the recognition of their overseas qualifications. It also provided comparative assessments of qualifications and collected statistical information in a computerised data base, which was updated every six months.

As part of the three-year corporate plan developed and published by the South Australian Multicultural and Ethnic Affairs Commission, the Overseas Qualification Unit was to assist immigrants to gain recognition of their overseas acquired skills and qualifications and to develop policies to achieve these objectives. I have been advised that, following a recent review of this unit, Cabinet has approved the transfer of the policy and development positions to DETAFE and has reduced the functions of the unit to two staff positions, which are designated to provide only information services to its clients. My questions are:

1. Will the Minister advise Parliament and the ethnic community generally about the Government's plans concerning the future of the Overseas Qualification Unit within the commission?

2. Will the Minister give an undertaking that the policy function and training and recognition assistance previously provided by the Overseas Qualification Unit are, in fact, maintained by the staff of DETAFE?

3. Will the Minister detail the benefits that the separation of these functions will bring to overseas migrants seeking recognition of their qualifications?

The Hon. C.J. SUMNER: The Government does not want to see the effort in this area reduced, although some changes have been proposed to the administrative arrangements. I will obtain responses to the questions asked by the honourable member.

PORT LINCOLN SEWAGE TREATMENT WORKS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Public Infrastructure a question about the Port Lincoln sewage treatment works.

Leave granted.

The Hon. PETER DUNN: It appears that this question is very similar to questions asked on the previous matter of Finger Point. When I was on the Parliamentary Standing Committee on Public Works we approved the erection of a sewage works in Port Lincoln to the value of about $6.1 million, yet I read in this week's *Port Lincoln Times* that Port Lincoln's sewage will remain untreated until next year following the State Government's back-pedalling on funding the initial construction program of $6.1 million for the treatment works.

Port Lincoln is one of the largest regional cities in South Australia where untreated sewage is still pumped into the sea. The E&WS Department's operations engineer for the area says that the completion will now not take place until the end of 1994, and only $500 000 have been allocated this year. The Town Clerk says that the level of contaminants going into the sea from the sewage outlet has been well-documented, and that Port Lincoln people must question whether the Government is serious about its environmental protection program.

Not only that, but in the Port Lincoln bay we have the prospect of very important future projects, tuna farming and oyster farming, being put at great risk if we are going to pollute them with *E coli* and other human contaminants that come from raw sewage being pumped into the sea at Billy Light Point. The editorial in the paper also raises the fact that it is high time that this project went ahead. My questions to the Minister are:

1. Will he apologise to the Port Lincoln people for withdrawing the funding after it had been allocated?

2. Will he restore that funding immediately?

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

HOSPITAL CLOSURE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about a rural hospital closure.

Leave granted.

The Hon. BERNICE PFITZNER: Another hospital serving the rural community is threatened with closure. This time it is in the Far North of the State, in Leigh Creek. Like the Blyth community, which is under the same cloud, the Leigh Creek community has only one medical doctor, who will leave if the hospital is closed or if hospital facilities are unable to support the necessary

medical procedures. Like Blyth, this community may be without a medical practitioner but, this time, the nearest doctor is not 13km away, as in Blyth, but 160km away, in Hawker.

The community has asked how the Minister of Health would like to travel from Adelaide to Burra (156km) or Moonta (165km) to see a doctor? The Government has made the right noises, agreeing that we need to attract doctors to the rural community by improving facilities and giving better opportunities for educational in-service. My questions are:

1. What is the rationale behind the closure of this most isolated hospital?

2. Are the options as put forward by the *Advertiser* of 7 October accurate? If so, there does not appear to be any medical practitioner included; therefore, what will the community do if members require a doctor's examination?

3. What is the logic behind these closures of rural hospitals, which appear to be in conflict with the Government's stated intent to attract more doctors to the rural area?

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

REPLIES TO QUESTIONS

The Hon. C.J. SUMNER: I seek leave to have the following answers to questions inserted in *Hansard*.

Leave granted.

GOVERNMENT INFORMATION

In reply to **Hon. J.C. BURDETT** (19 August).

The Premier has provided the following response to the honourable member's question:

1. It is proposed that the Information Utility will provide communication services to Government agencies including a number of statutory authorities. The State Bank, SGIC, Lotteries Commission, TAB, ETSA and WorkCover will not be directed to obtain communication services from the Information Utility but will be able to negotiate for the supply of communication services from it. The Information Utility will also be in a position to offer an integrated set of services to meet Government agency and private sector needs including information processing, applications development and a range of value-added services.

2. There has been no decision made as to the proportions of holdings.

3. No.

4. Yes, but the loss, to the extent of $2.905 billion was attributed to one-time financial and accounting adjustments. The adjustments included a restructuring reserve of $2 billion, a change in the United States Financial Accounting Standards, relating to post-retirement benefits, resulting in a one-time adjustment of $0.737 billion (this adjustment could have been spread over 20 years), and a deferred tax write off of $0.167 billion. Without these one-time adjustments the loss would have been $0.825 billion which is comparable with recent financial outcomes in the computer industry. As a result of the one-time adjustments Digital Equipment Corporation considers it is well placed to improve its financial position.

OIL SPILL

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

The former Minister of Marine has provided the following response:

1. The size and maximum draughts of vessels for the various ports in this State are determined by the Department of Marine and Harbors in conjunction with the pilots at each port. The designated ship limitations of vessels for Port Bonython are:

Maximum size of vessels:

Oil tankers	100 000 Tonnes DWT
LPG carriers	45 000 Tonnes DVVT or 75 000 m^3 capacity

Minimum size of vessels:

LPG	3 000 Tonnes DWT or 5 000 m^3 capacity

The above limits may be varied at the discretion of the Harbormaster with the approval of the department.

Except for fishing vessels under 500 gross registered tonnage and port service vessels, no vessel may be navigated within the port limits without prior approval of the Harbormaster.

All vessels berthing at Port Bonython must be in the charge of an appropriately licensed pilot. Berthing displacement is limited to 70 000 tonnes and may only be exceeded by approval of the Harbormaster.

The Master or agent of a vessel arriving at the port shall give the Harbormaster at least 24 hours notice of the expected time of arrival (EIA) at the pilot boarding ground and advise the draught fore and aft, last port of call and whether ballast is clean or not. This information is important for planning the berthing manoeuvre, etc.

2. Prior to berthing, the vessel is tested by the pilot to ensure control of the vessel can be maintained during the berthing operation. Final decision to berth is made between the Master of the vessel and the pilot whilst on the bridge of the vessel.

CONSULTANCIES

In reply to **Hon. J.F. STEFANI** (13 August).

The Minister of Labour has provided the following response:

1. On terminating his employment as a ministerial officer on 17 January 1992, Mr Wright received a payment which consisted of his accrued long service leave entitlement, and accrued recreation leave entitlement. No superannuation package or severance of any kind was paid to Mr Wright on termination.

2. No severance pay was paid.

3. Since terminating his employment in January, 1992 it is my understanding that Mr Wright has provided services to two Government agencies or instrumentalities. He is also as indicated previously by the honourable member, Presiding Officer of the WorkCover Corporation and Chairman of the South Australian Occupational Health and Safety Commission.

4. The two Government bodies or instrumentalities who have engaged Mr Wright are as follows: Mr Wright provides advice to the Minister of Labour on a retainer basis of half a day per week up to a maximum amount of $15 000 per annum. Payment up to the end of June 1992 for advisory services amounted to $5 000. Mr Wright is providing an industrial relations consultancy to the MFP of a retainer basis of two days per month for a 12 month period at a maximum cost of $15 000 per annum. This arrangement with the MFP commenced in this financial year 1992-93, and no payment has been made.

REI BUILDING SOCIETY

In reply to **Hon. R.I. LUCAS** (12 August).

1. Under section 23 of the previous enabling legislation for permanent building societies (the Building Societies Act 1975) the Minister was able to consider directing a society to amalgamate with another, where the first society was insolvent or its financial position was such that it was, in the opinion of the Minister, in danger of becoming insolvent and where another society had agreed by special resolution to an amalgamation.

These processes did not require the agreement of the first society.

The principle underpinning any directed amalgamation includes that responsibility for the viability of a society rests with management and the regulator only intervenes to protect the interests of depositors where, for example, management has acted imprudently and where viability of a society is threatened.

The Minister was able to form the opinion that the REI was in danger of becoming insolvent by reason of its financial position and directed the society to amalgamate with the Co-op on the same terms and conditions as specified in the special resolution which was passed by the members of the Co-op on 27 August 1991. The decision to direct the amalgamation was made following discussions with directors of both societies. The boards of both societies provided the Minister with assurances that a directed amalgamation was the most appropriate course of action to follow in the circumstances. Additionally, officers of my department provided assurances that all the information and advice necessary to make such a decision was in place and it was concluded that the amalgamation would afford greater protection than would otherwise be available.

A directed amalgamation was considered to be in the best interests of the industry as a whole. A voluntary amalgamation would involve a meeting of REI shareholders and as a result was expected to attract significant publicity. This would have had a destabilising effect on the industry at a time when it could ill afford it.

As part of the terms and conditions of the amalgamation, REI permanent shareholders were entitled to receive an issue of Co-op permanent shares. The issue was to be in two parts and the first issue took place in September 1991 and was based on 20 per cent of the adjusted net tangible assets of REI as at 30 June 1991 as determined by the auditors of both societies. The second tier issue was to take place by 30 June 1992. The reason for the two tier approach was to allow the auditors full opportunity to finalise adjustments to REI's accounts in order to determine as accurate a net tangible asset figure as possible.

As a result of the second tier adjustment, the net tangible assets of REI were determined to be such that no further issue of Co-op permanent shares was possible. I understand that the Co-op has kept former REI shareholders fully informed of these matters and I quote from extracts of the relevant communications:

> Despite every effort to reach finality, progress towards completion of collection of bad and doubtful debts has been far more difficult than contemplated and certainly, provisions and write-offs of those debts will be greater than expected.
>
> Furthermore, the former head office building at 50 King William Street, Adelaide was sold for $2.85 million. Whilst this was below the book value, it was considered an acceptable price in the current depressed state of the CBD real estate market.

2. The report referred to in the *Advertiser* as being a full report on the final valuation of the REI provided to the Corporate Affairs Commission is not a report that takes the form of a single document. Information has been provided by the amalgamated society to officers of the State Business and Corporate Affairs Office on an ongoing basis throughout the amalgamation process. Thus the report referred to as being provided to the Corporate Affairs Commission comprises many letters, documents and other correspondence dealing with the amalgamation and with the affairs of REI.

An investigation of the affairs of REI is being made by officers of the State Business and Corporate Affairs Office and arrangements are in place whereby all relevant information is being provided to the Director of Public Prosecutions who will give any directions as may be necessary relating to the conduct of the inquiries being made and will decide what action, if any, is required to be taken. Any reports made on the investigation are reports made to the Director of Public Prosecutions.

3. I understand the concerns of the investors who suffered losses on the investments they made as permanent shareholders of REI. However a positive outcome of this matter is that the interests of the ordinary depositor members of REI were protected.

It is well known publicly that the REI sustained losses on its mortgage loans and on the sale of the former head office premises.

As far as releasing the more detailed information provided to the Corporate Affairs Commission by the amalgamated society and gathered by investigating officers, that information is for the Director of Public Prosecutions to consider and in the circumstances I do not believe it is appropriate for me to make that information available.

REMANDEES

In reply to **Hon. I. GILFILLAN** (18 August).

The former Minister of Correctional Services has provided the following response:

1. As at 8 a.m. on Thursday 20 August 1992, there were 150 remandees in the Adelaide Remand Centre and 57 remandees in Yatala Labour Prison.

2. In the 1991 calendar year the average time offenders spent on remand was 61 days.

3. The staffing of 'F' Division incorporates eight hour shifts which means that prisoners in this division are locked in their cell for a minimum of 18 hours to a maximum of 19 hours per day. 'B' Division is the only division at Yatala Labour Prison which is staffed to allow for prisoners to have greater periods of time out of cells. Prisoners in this division work in the Industries Complex and are able to participate in evening activities.

4. The four areas of work which are available to prisoners in 'F' Division are concrete products, divisional and unit cleaners, groundsman and storeman. Currently there are 30 prisoners working in 'F' Division., With respect to educational opportunities, prisoners in 'F' Division have access to a wide range of courses, which range from basic numeracy and literacy, computer courses and vocational courses. These courses are held in 'F' Division education room and the vocational courses are conducted through correspondence.

TELECOM FAX

In reply to **Hon. I. GILFILLAN** (5 May).

1. The Crown Solicitor has advised me that the transmission of the facsimile may have been in contravention of section 33 (2) of the Summary Offences Act 1953 (South Australia). This section prohibits any person from depositing offensive material in a public place, or on private premises without the permission of the owner. There are, however, two difficulties here. First, the transmission of the facsimile may have occurred with the consent of the owner. Secondly, the time for laying a complaint has passed. Pursuant to section 52 of the Justices Act 1921 a complaint must be laid within six months of the occurrence of the offence unless the Act creating the offence specifies a longer period. The document was apparently transmitted in 1990; the time for laying a complaint has well and truly passed.

I have been further advised that the use of the piping shrike on the document was not a contravention of the Unauthorised Documents Act 1916 (South Australia). It is only a contravention of section 3A of that Act to use a State badge (such as the shrike) without authority for a commercial purpose and in such a manner as to suggest that the document had official significance. In this particular case, there has been no suggestion that the document was used for a commercial purpose. Furthermore there has not been a contravention of section 3 of that Act (improper use of the State arms, etc.) First, it is dubious that the use of the piping shrike would be seen as equivalent to the use of the State arms of which it forms but a small part. Secondly, the shrike has not been used in such a manner as would be likely to lead persons to the view that permission had been given for its use. The document is quite clearly a sham. In your question, you also mentioned the possibility that the transmission may have been a breach of the Telecommunications Act 1975 (Commonwealth). That enactment has now been repealed but there are identical provisions dealing with telecommunications in the Crimes Act 1914 (Commonwealth). Section 85ZE of the Act makes it an offence to use a telecommunications service in a way which a reasonable person would regard as offensive. I have been advised that the transmission of a racist facsimile would be an offence against this provision.

I am also advised that there is nothing in the Equal Opportunity Act 1984 (South Australia) nor in the Racial Discrimination Act 1975 (Commonwealth) which would make an offence of the transmission of the document. There is no general offence of racial vilification created by either piece of legislation.

As you will appreciate from the above, there is no possibility of any prosecution being successfully instituted under South Australian law. Furthermore, the decision to prosecute under Commonwealth law is not mine to take. Even if it would be possible to lay a complaint against any person pursuant to section 33 (2) of the Summary Offences Act, I am informed that there is no admissible evidence that could be introduced into a court of law to establish the participation of any individual in the transmission of the document. All of the evidence which has come to light is anecdotal and hearsay. In your parliamentary question, you named two individuals who are suspected of involvement in this affair. They have strenuously denied any knowledge of the document. No admissible evidence against them has come to light. Obviously, in accordance with general principle, they are entitled to the presumption of innocence. However, I will forward the matter to the Commonwealth Director of Public Prosecutions for information and consideration.

2. As indicated, there is no possibility of taking action under South Australian laws and so any further investigation of this episode is pointless. If any evidence of current transgressions of the law comes to light, then I will obviously take the matter further.

3. I trust that the publication of this letter satisfies the last question. Given that no legal action will be taken, it would not be appropriate to release statements of individuals who have spoken to my office about this matter.

I also repeat what I said in the House, namely that the production of a document such as this is quite an appalling thing to have occurred in our community. Clearly, it is the product of a sick and twisted mind. It is not humour in any sense and should be rejected by all decent members of the Australian community. I also reiterate that I am not sure whether raising the document in Parliament was the best course of action. Nevertheless, I think the best course now is for all members of Parliament to condemn the document in the public arena.

The Hon. ANNE LEVY: I seek leave to have the following answers to questions inserted in *Hansard*.

Leave granted.

ENVIRONMENTAL IMPACT STATEMENTS

In answer to **Hon. M.J. ELLIOTT** (13 August).

The Minister for Environment and Planning has advised that all public submissions sent to her on the EIS for the Gillman/Dry Creek Urban Development Project are available for public perusal. The total number of submissions received on this project is 56. This figure includes submissions from professional organisations, universities, local government authorities, environmental groups and agencies such as the Environmental Protection Council and the Coast Protection Board.

In addition to the above, officers of the Assessments Branch of the Department of Environment and Planning use the exhibition period to solicit comments from a range of people and/or agencies within the Government. The department received 23 minutes or letters providing comments from Government officers of agencies on the Gillman/Dry Creek proposal. The normal process is for Government agency comments or queries to be consolidated and for the issues to be presented and addressed in the supplementary to the EIS. Members may be aware that the supplement for this project was released on 22 August 1992. Detailed Government agency comments on the project and on the EIS documentation will be incorporated within the assessment report that is now being prepared for the Gillman/Dry Creek proposal. This information will be publicly available upon release of the assessment report. The process outlined above enables members of the public to be aware of the advice being given to Government by its agencies. It also protects against the EIS process being used as a tool for any individual officer to run a personal campaign for or against any particular project.

MOUNT LOFTY RANGES

In answer to **Hon. M.J. ELLIOTT** (30 April).

The Minister for Environment and Planning has provided the following response:

1. The Engineering and Water Supply Department has prepared papers outlining the likely effect of postulated changes in rainfall and temperature on Adelaide's water supply, and these are contained in the Adelaide Conference Proceedings of Greenhouse 88: Planning for Climate Change published by the Department of Environment and Planning. Studies have also been carried out by the Australian National University. These studies indicate that, for the Mount Lofty Ranges, under the postulated greenhouse scenario, the variability of run-off will increase, and the volume of run-off will reduce. Both these effects will reduce the reliability of water supply from these kitchens. By contrast, the flow of the Murray River would increase and the salinity would improve.

The Government's strategy to guard against water shortages, which might result from climate changes, is focused on seeking a greater efficiency of usage of South Australia's water resources. Most water is used in South Australia for irrigation. The Government has had a long-term and ongoing program through the Department of Agriculture to improve irrigation efficiency as part of improvements to the salinity of the Murray River and to reduce demand on over committed ground water basins.

The Government is also encouraging more efficient use of domestic water use through demand management. Measures include the encouragement of the use of water-efficient appliances through a program carried out by the Engineering and Water Supply Department and the restructuring of the water rating system to incorporate pay-for-use. The Government is also committed to urban consolidation, which will reduce the amount of water used on garden watering, which currently approximates half of total domestic water use.

The Government is currently consulting with local government to improve the management of stormwater. Improvements envisaged would include the use of stormwater as a second-class supply for irrigation and industry (Environmental Consulting Australia, 1991). The volume of stormwater from the Adelaide Plains is approximately equivalent to the volume imported from the external kitchens (Fisher and Clark, 1989). A major advantage of urban run-off is its greater reliability, since, unlike rural kitchens, even small rainfalls, such as occur in summer, produce some run-off from the impervious urban areas.

The Engineering and Water Supply Department is also undertaking studies of the reuse of reclaimed water from sewage treatment works for irrigation as an alternative to its tertiary treatment and disposal to the sea or watercourses. This will partially substitute for some reticulated water supplies and will also assist in the reduction of the nutrient load on water resources and consequent propensity for algal blooms.

The Engineering and Water Supply Department is actively involved in the monitoring of rainfall and surface flow at stations selected in an Australia-wide program to gauge the progression of climate change and verify or modify current predictions. At this stage, the consequences of any climate change are sufficiently remote and poorly defined that it is premature to spend much time in devising detailed responses to them. However, the Government has already actively pursued low-cost contingency options to limit the impact on water resources, particularly where other benefits are evident.

2. The Bakers Gully kitchenette was abandoned for several reasons:

- the larger dam option would inundate the township of Clarendon;
- land acquisition costs to the Government would be high;
- a dam at Clarendon would be more economical and require less land acquisition;
- water would likely be of poor quality since, *inter alia*, the kitchenette would contain the Kangarilla rubbish dump;
- seepage could be high as the stored water would inundate a portion of the Willunga Basin recharge area; and
- the flow through the Onkaparinga Recreation Park would be further reduced, resulting in greater environmental damage.

3. The Mount Lofty Ranges Management Plan contains many actions for the Engineering and Water Supply Department dealing with water resources and these have been grouped into a priority order, the highest being management of aquaduct zones along rivers such as the Torrens and Onkaparinga, and riparian zone management (that is, buffer areas along all significant watercourses). These initiatives are likely to be carried out as projects involving demonstration trials with community participation. The department has also committed resources, in conjunction with the Department of Agriculture, to an integrated kitchenette management project within the Mount Lofty Ranges.

It is anticipated that some of the above initiatives will be recognised in the Mount Lofty Ranges SDP No. 2 together with an extensive range of principles concerning development and land management, particularly recognising water sensitive zones within the Water Protection Area (that is, steep slopes, high rainfall, waterlogged areas, riparian zones).

PORT STANVAC REFINERY

In reply to **Hon. M.J. ELLIOTT** (20 August).

The Minister for Environment and Planning has provided the following response:

1. The incident of 20 August is being investigated by officers of the Department of Marine and Harbors since it could be an offence under the Prevention of Pollution of the Sea by Oil and Noxious Substances Act 1987. Their report will be forwarded to the Crown Solicitor's Office.

2. Senior officers of the Department of Environment and Planning, Environment Management Division have been negotiating with Petroleum Refineries Australia (PRA) management since early this year to initiate an Environment Improvement Program at the refinery. This program will become part of license conditions under the Marine Environment Protection Act and under the Environment Protection Act when the Bill passes Parliament and the Act comes into force. Elements of that program have already been voluntarily adopted by PRA.

INDUSTRY TRAINING ADVISORY BOARD

In reply to **Hon. M.J. ELLIOTT** (20 August).

The Minister of Children's Services has provided the following response:

1. Industry Training Advisory Boards (ITABs) are an initiative of the Commonwealth Government and form part of a comprehensive set of policy positions taken by the Commonwealth. ITABs are funded by the Commonwealth through the Department of Education, Employment and Training, and they provide advice to the National Training Board on training requirements in the sectors for which they have assumed responsibility. The establishment of an Industry Training Advisory Board for the education sector is presently under consideration in a number of quarters.

2. The State and national Community Services and Health ITABs were established after long periods of consultation and study by steering committees and their mandate covers a broad field. The unique position of children's services having its own divisional council will ensure that any advice put to the ITAB will be of the highest standard, and in the best interests of all sectors in children's services.

At a public meeting on 21 July, 1992 an Interim Children's Services Training Forum was established, with clear membership and a mandate to pursue the broad range of training issues arising from the children's services field. It was acknowledged that the forum is to be interim in nature because at a future time it will be appropriate for it to be associated with or incorporated into a formal ITAB. The Community Services and Health ITAB may not necessarily be seen to be the only or most relevant ITAB. Should an education sector ITAB be established, there would be little difficulty in ensuring that the common ground occupied by both ITABs was recognised and accommodated. It would be possible for particular industries to move, in whole or in part, from one ITAB to another.

NATIONAL PARKS

In reply to **Hon. M.J. ELLIOTT** (8 September).

The Minister for Environment and Planning advises that the only legal mechanism to allow for increased mining access to national parks is through a resolution of both Houses of Parliament. No such resolution is contemplated and no amendments to the National Parks and Wildlife Act prescribing this resolution process are contemplated.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

In reply to **Hon. M.J. ELLIOTT** (19 August).

The Minister of Education has provided the following response:

No students are undertaking a subject in schools this year called Quantitative Methods. Quantitative Methods is a Stage 2 (Year 12) syllabus which has been approved by the board of SSABSA to run for the first time in 1993. At no time have they been informed that Quantitative Methods will definitely be accepted as a Higher Education Entry subject by each of the Universities in South Australia. During Stage 1 (Year 11) students can take a wide variety of mathematic programs that lead to one or more Stage 2 (Year 12) subject(s), viz. Mathematics 1, Mathematics 2, Quantitative Methods, Applied Mathematics and Business Mathematics. Advice on the desirable prerequisites for Quantitative Methods (along with all other Stage 2 options) was provided to schools in 1991 and again in 1992 following the board's final approval of it. SSABSA officers have worked closely with teachers and schools and the SACE Training and Development team to ensure that students are being appropriately prepared in Stage 1 for their preferred Stage 2 Mathematics option(s).

COUNCIL GRANTS

In reply to **Hon. PETER DUNN** (20 August).

Further to my reply to the honourable member on 20 August 1992 I provide the following additional information:

1. No. The Federal Government dealt directly with the Australian Local Government Association and did not involve State Governments in the development of the Local Capital Works Program.

Following the announcement of the program, the State Government, at the request of the Local Government Association of South Australia, nominated Mr Lou Hutchinson, Assistant Director, Policy Branch, Employment and Training Division, DETAFE, as its representative on the State Advisory Committee for the program.

2. The Local Government Association of South Australia has appointed two facilitators for the program. They are Mrs Donna Dunbar, who has been seconded from the City of Woodville and Mr Keith Davis, Consultant.

3. The Federal Government has allocated a sum of $50 000 for each facilitator to organise and run the program. The Local Government Association of South Australia has been allocated $100 000 for this purpose. These allocations are being made from a separate administrative fund, and do not represent a call on the $350 million provided nationally for capital works projects.

FISH FARMS

In reply to **Hon. PETER DUNN** (19 August).

The Minister for Environment and Planning, with advice from the Minister of Fisheries, has provided the following response:

1. Fish farms, as with all aquaculture developments, are subject to the Planning Act. General aquaculture development guidelines have been laid down by the Government and are made available to all applicants, through the Aquaculture Committee.

To date, considerable technical advice has been provided to each applicant by the Department of Fisheries.

The Government is working with the tuna farming industry in Port Lincoln in the development of a management plan to address concerns relating to site allocation and possible environmental impacts associated with the development. This plan will clearly set out the guidelines for the ongoing development of tuna farming in South Australia.

2. The Government fully encourages the development of this industry, and has ensured that appropriate environmental safeguards and monitoring are addressed. This has involved consultation on site selection, a joint monitoring program and the development of an aquaculture management plan for the Port Lincoln bays. A key component of the plan is the identification of sites within which tuna farming applications will be acceptable, based on environmental and competing amenity grounds. This, as any management plan, will be subject to public consultation.

To date the Government has also provided considerable assistance to each applicant to minimise potential conflicts with the established use of any site.

JAM FACTORY

In reply to **Hon. DIANA LAIDLAW** (10 September).

1. In 1990 the board of the Jam Factory decided to cease trading at its City Style shop subject to subleasing the premises. The board took this decision after it had been announced that the new Jam Factory building, containing a shop, would proceed at the Lion Arts Centre. The board believed that it would be difficult to maintain two successful craft retail outlets in the CBD.

Due to the economic climate it proved impossible to sublet the premises. Subsequent marketing advice indicated that it might be possible to run both outlets if certain strategies were employed to make the stock profile and style of both shops quite different and non-competitive.

In June 1992 when the initial three year lease on City Style expired, the Jam Factory negotiated a reduction in rental from $68 000 to $50 000 per annum.

This, in addition to rising sales figures and a small projected profit for the 1992 calendar year, led the board to decide to continue trading with an aim to recoup some benefit from the effort put into the establishment of the shop. It was also seen as beneficial to craft workers to preserve City Style, which has become a significant outlet for their work, increasing its turnover by 26 per cent in 1990-91 and by a further 15.3 per cent in 1992-92.

The Jam Factory's current one year renewal of the lease on City Style will expire in June 1993, although there is also a three year option. In early 1993 the board will consider whether to take up that option.

2. The financial reports for all departments of the Jam Factory have always been in accordance with the applicable Australian Accounting Standards.

Management's monthly reports to the board in regard to the retail outlets are in the form of a trading/profit or loss report. The only exclusions to this report, throughout the financial year, are the 'Balance Date Adjustments', for example, depreciation, long service leave, accruals, etc.

As at 30 June all accrual accounting standards are met and subsequently reported to the board. All other departments of the Jam Factory being cost centres, are reported to the board on a cash basis until the end of the financial year when all accruals are applied and duly reported.

SCHOOL COMPUTERS

In reply to **Hon. R.I. LUCAS** (25 August).

The former Minister of Education provided the following response:

1. The department introduced a support charge of three hours of service for $200 or one hour of support for $80 as part of a package which substantially reduced the costs of library automation, and enabled many more schools to be supported. This signals a continuation of the commitment to reduce the overall costs of library automation to schools.

2. Book Mark is a software package developed by the software development unit at Angle Park. This software is sold to schools to recover development costs. It is an inexpensive package, costing the small schools for whom it is designed a fraction of the cost of any fully commercial system, including Dynix, at the current subsidised department cost.

The price of $500 from October 1992 is the cost to non-departmental users of an upgrade of the current software. The cost to departmental schools will be $500 less a discount of 20 per cent. Education Department schools with an earlier version of the program will be able to upgrade for $20.

3. All schools who have expressed any difficulty in meeting the support charge on the current budget have had the invoice deferred until the new budget period and support has been delivered. Schools are able to direct savings from the dropping of software charges into other areas of school management, including automation support.

CHILDREN'S SERVICES OFFICE

In reply to **Hon. R.I. LUCAS** (20 August).

The former Minister of Children's Services provided the following response:

1. The Children's Services Office is constantly looking at ways it can improve its services to the young children of South Australia and their families.

A first priority was to establish a mechanism for communication between the CSO, parents and service providers. A consultative committee was established and is achieving this purpose.

Marketing research was carried out to ensure that disadvantaged groups within the community maximised their access to services and that the quality of those services was enhanced.

2. Strategies which have been implemented to improve customer service and the flow of information include: training for staff on marketing services and customer relations, the production of a booklet to assist with communication issues, the development of a video which staff can use to give information to clients on the range of children's services, the development of an induction manual for all new employees, regional and central office staff working together to streamline processes so that customers' needs can be met in the most efficient manner, arranging staff exchanges between Regional and Central Offices on a temporary basis so that staff gain a first-hand experience of many of the operations of the organisation.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA

In reply to **Hon. R.I. LUCAS** (19 August).

The Minister of Education has provided the following response:

1. The process of development and improvement of the computer system is ongoing. A second release, enhanced version of the software was implemented at the start of the second semester.

2. SSABSA's computer network was infected with a virus in May this year but there is no evidence to support the allegation of illegal access related to the loading of a computer game.

The virus was detected very quickly and an eradication process was implemented immediately. This involved closing down the network to prevent any further spread of the virus. It was

assessed as a 'minor problem' and corrective action was prompt and straightforward.

3. The allegation that the SSABSA network is vulnerable to illegal entry is unfounded. The decision to exchange data with schools via floppy disk rather than provide direct access to the system via communication lines was predicated on the protection of the security of the network. Security access controls systems on the network have been implemented and the SSABSA premises is protected by an alarm system which is directly monitored 24 hours a day.

COMPUTER SYSTEMS

In reply to **Hon. R.I. LUCAS** (11 August).

The Minister of Education has provided the following response:

1. The department does not charge schools for the Dynix software. The release of the software at no cost to schools was approved and announced to all schools through the department's FAXnet information service on 14 May 1992.

2. The total funds recovered from those schools that were invoiced for the Dynix software that was supplied by the department is $158 500.

3. There is no charging of schools for the Dynix software supplied by the department.

WAITE INSTITUTE

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this Council expresses concern at the action of the current Premier who, in his capacity as Minister of Agriculture, determined that the construction of the Administrative Centre at the Waite Institute should proceed contrary to the recommendations of the Environment, Resources and Development Committee.

In August this year the new Environment, Resources and Development Committee of the Parliament—which goes by an unfortunate acronym, which I will not repeat in Parliament—brought down its first report to the Parliament on the important question of the move of Department of Agriculture facilities to the Waite Institute at Urrbrae. I do not intend to go through the long history of this matter, suffice to say that the debate started back in about 1988, with some proposals in relation to the transfer of facilities from Northfield to Roseworthy. I can summarise the final and most recent proposal from the Government as follows. It was a proposal that involved the relocation of the Department of Agriculture research facilities from Northfield to Waite campus. The Waite campus already houses the Waite Agricultural Research Institute, the Australian Wine Research Institute and parts of the CSIRO. The additions involve an administrative centre, the subject of this motion, and there is an applied science centre and a laboratory complex. It would mean that the campus would become a centre of excellence in agricultural research.

I intend to refer to only some aspects of the proposal. I shall leave it to my colleague the Hon. Mr Dunn to further elaborate on the detail of the committee's work. The Hon. Mr Dunn is a member of the committee and prior to that he was a member of the Public Works Committee of this Parliament. In the context of this motion, I refer to the major recommendation of the committee in relation to the administration building, and I quote from page 21 of the report:

The committee is not convinced that the relocation of many of the Department of Agriculture's administrative functions can be justified in terms of service efficiency or present planning criteria. In addition, the committee does not believe that the proposed administrative building is in accord with the Government's proposed comprehensive planning strategy, as outlined in the report, 2020 Vision. The committee believes that the Department of Agriculture may, given the current economic climate, be able to renegotiate the rental on its present tenancy in Grenfell Street, redesign its existing office space, or look for more suitable and less expensive property to rent in the central business district.

The Hon. M.J. Elliott: The Government already owns a lot of it.

The Hon. R.I. LUCAS: As the Hon. Mr Elliott says, the Government already owns a good amount of it, and he would be aware of that from some of the work of the Legislative Council select committee looking into property ownings by SASFIT and other agencies. The report continues:

In addition the committee is not convinced that the relocation of administrative staff from Grenfell Centre is an essential part of the wider proposal which involves the integration and collocation of the research and laboratory functions of the Department of Agriculture with the Waite Agricultural Research Institute.

Again, I do not intend to go into all the detail that backs that summary by the Environment, Resources and Development Committee. Suffice to say that its recommendation is as follows (and I am pleased to see the Hon. Terry Roberts paying close attention to this debate):

The committee recommends that the proposal for the construction of the administration building on the Waite campus be reassessed and alternative locations for the administrative function be explored.

The subject of this motion is the response from the Minister of Agriculture, now Premier Arnold, to the important work that has been done by this parliamentary committee. I looked at some of the references in another place when this report was noted and some of the quotes in the local news media, the *Messenger* newspaper, and I think it is fair to say that just about everyone congratulated the parliamentary committee on the way it conducted matters in a bipartisan way, with the assistance of the Hon. Terry Roberts in his inimitable fashion.

Whilst the Hon. Terry Roberts and I may well disagree politically and philosophically on many issues—he being from the far Left of the Labor Party and my being centrally located in the Liberal Party somewhere—I have a lot of respect for the work that the honourable member has done in the past on various committees and, I am advised, continues to do on the Environment, Resources and Development Committee. The same could be said about my colleague the Hon. Mr Dunn and other members of that committee.

As I said, a fair summary of all the reviews, if one can put it that way, of that committee's work has been that it did an outstanding job in what was a very difficult task, and again the Hon. Mr Dunn will be able to highlight that detail better than I. There seemed almost to be people digging themselves into corners out in the Urrbrae area. The council, the residents and the Department of Agriculture—everybody—had their own position staked

out, and it was the difficult task of this parliamentary committee to try to review what had occurred there and to make its recommendations to the Parliament and the Government. It appears to have done its work assiduously and very well, again in a tripartisan fashion with Labor, Liberal and Democrat members agreeing on the essential recommendations outlined in the report.

It was therefore fairly surprising to all members of the committee—and I suspect to all members of Parliament and a good number of other people—to see the response that Premier Arnold gave to this report and the important work of this parliamentary committee. Again I will not go into all the detail, but I will quote from one edition of the local *Messenger* of 30 September which contained an initial response from some people to Premier Arnold's actions in relation to the tripartisan nature of the parliamentary committee's work. The headline was, 'Fury as Premier approves Waite', and the report reads as follows:

> Outraged local residents say bureaucracy has gone mad after Premier Lynn Arnold last week steamrolled a plan to move 200 public servants onto the Waite campus. Mr Arnold vetoed a parliamentary committee recommendation to abandon plans to put the Agriculture Department's new headquarters in the controversial Waite redevelopment.

Further on in the same report, Mr Barwick, the residents spokesman, said:

> Premier Arnold, driven by his bureaucrats, is now thumbing his nose at the Parliament and the residents. It is a brave Minister [who] goes against what a unanimous committee has decided.
>
> Mitcham Mayor, Lyn Parnell, said, 'The Premier had no credibility after his disgraceful decision to overturn the parliamentary committee's findings. Many people put in many hours and much effort, and also Mr Arnold can do what he wants.'

I do not have to go on with all the other detail; again I will leave that to members of the committee. I think that is a fair assessment of the response from residents in the Mitcham council area and others to Premier Arnold's response to the parliamentary committee's work.

I think it is also fair to say that members of Parliament of all persuasions were equally disturbed to see the response by now Premier Arnold to the important work of the Environment, Resources and Development Committee. As I said, I will leave the rest of the discussion of detail to my colleague the Hon. Mr Dunn.

I now want to touch on this general principle of our parliamentary committee system, the way it has been treated in the past and perhaps on what is now a sign of how the new Arnold Administration intends to treat our parliamentary committees. The Environment, Resources and Development Committee was part of the brainchild of the formerly Independent or *de facto* Independent member for Elizabeth, Mr Evans, and others within the Government to introduce a new committee system into the Parliament.

Members will be aware that the Liberal Party supported an alteration or beefing up of the parliamentary committees system, but it did not support the position of Mr Evans and the Government. We argued for a position where there were powerful standing committees within the Legislative Council and powerful standing committees within the House of Assembly as well.

The Environment, Resources and Development Committee was to take over the responsibilities of the old Public Works Committee. That had served the Parliament and the South Australian community very well for very many years. It had given valuable advice to Liberal Administrations and Labor Administrations.

I am advised by members of the present committee and previous members of the old committee that it did its work generally in a bipartisan fashion. It applied itself assiduously to the task and generally had come to an agreed or unanimous position, and almost without exception the Administration of the day, whether that be Liberal or Labor, accepted the advice of the Public Works Committee. I am told that there might have been an example in relation to a school in the Murray-Mallee district somewhere, although that was the subject of some disputation amongst Liberal members, anyway, as to which school it was and where it might have been.

The Hon. Diana Laidlaw: And what year.

The Hon. R.I. LUCAS: Yes, but certainly there was some suggestion that there might have been an example. The general nature of the debate was that almost without exception it was very hard to think of an example, in the long history of the Public Works Standing Committee, where a Liberal or Labor Government had thumbed its nose at the recommendations—

The Hon. Diana Laidlaw: I suppose the Art Gallery extensions.

The Hon. R.I. LUCAS: The Art Gallery extensions, my colleague the Hon. Diana Laidlaw suggests.

Members interjecting:

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

The Hon. R.I. LUCAS: I think it is probably important for the nature of this debate that we do not get deflected by the Minister. What we are really talking about is Liberal Governments or Labor Governments with the power to implement or not implement decisions of standing committees, the Public Works Standing Committee or the new Environment, Resources and Development Committee, and not really the views of individual members of Parliament or indeed anybody else.

We are at the stage where I suppose it is testing ground. It is the very first report of the new Environment, Resources and Development Committee that has been brought into Parliament under the new parliamentary committees system. There is no suggestion that the committee had not done its work properly. There is a lot of evidence to suggest that it had hundreds of submissions, lots of meetings and took lots of evidence. There is no suggestion it was sloppy or that the work of the committee was poor.

There is no suggestion that it was politically partisan in any way, with the majority view being inflicted upon a minority view; there was an agreed position. What we now have is the very first test of how the new Environment, Resources and Development Committee's recommendations are to be treated by a Government and by a Premier, when we have in Premier Arnold somebody who has deliberately and provocatively thumbed his nose at the recommendations of the Environment, Resources and Development Committee.

I know that in the debate some members will be hamstrung by the restrictions placed upon them. I understand that, and I do not make any criticism of those

members who will have difficulty in throwing off the shackles that are placed upon them—of course, I will not name those members. But I know that members of all political persuasions in this Parliament are alarmed at the actions of Premier Arnold in relation to this very first report of the Environment, Resources and Development Committee. Because what these members are saying is that for years and years we had a successful Public Works Committee which provided advice that Governments invariably acted upon. Now we have a committee that is meant to continue the work of that committee—and, of course, do other things as well. We now have the man at the very top, the man who is meant to be leading this Government and this State, thumbing his nose at the Parliamentary Environment, Resources and Development Committee.

If the Premier is going to thumb his nose at the recommendations of the committee, then there is some concern that other Ministers will follow his lead and not see it as a problem in the future to thumb their nose at the recommendations of a Parliamentary committee. If that is going to happen, then one wonders what the Environment, Resources and Development Committee ought to be doing with its time in relation to its important work.

Of course, in other areas, as with any other standing or select committee, the recommendations of committees basically stand or fall on the value of the particular committee's recommendations and the views of the Parliament and of the Government at the time. There has been a history of Public Works Committee reports in relation to public works being treated differently. So, I do not think it is appropriate for the Government response to be, 'Well, look, committee recommendations are rejected all the time.' I acknowledge that some committees' recommendations have been rejected or not accepted, but the Public Works Committee in relation to public works and now the Environment, Resources and Development Committee's functions—in relation to public works, any way—have generally been treated by Liberal and Labor Governments differently. Generally, they have been accepted. It is a very worrying first sign of the attitude of Premier Arnold to the important work of this committee.

I urge members in this Chamber to support this motion. I know some will be able to stand up in this Chamber, vote and support it. I should hope that perhaps others, who secretly and privately, in the privacy of their home late at night, with the blinds drawn, the doors closed and the thought police not looking in, will secretly cheer for the Parliamentary institution of the Legislative Council which will hopefully pass this motion with a slight majority but also with the silent support of a number of other members in the Legislative Council.

The Hon. PETER DUNN: I, too, support the motion moved by the Hon. Robert Lucas. It is being used to cause the then Minister (now the Premier) to have another look at the decision he has made. It is interesting to note that the Minister has not yet reported to the Parliament that he has objected to the report that the Environment, Resources and Development Committee did submit to this place and to another Chamber. He has six days to do that, and I believe he will be reporting shortly; if not, it will be too late. It will be interesting to note what happens if he does not report tomorrow, because I presume that he must accept what the committee reported to the Parliament. So, I am forewarning that he had better get it in tomorrow if he wants to object to it.

I, like Mr Lucas and being a member of that committee, believe that the committee has been conscientious, diligent and investigative in its attempt to come to a sensible and proper conclusion. As has been stated, the Waite research development project and the selling off of the Northfield research development went back to 1988, and that was the McCall report. Fundamentally, that report has been accepted, except that in the McCall report no recommendation was made that administration should go to the Waite Research Centre. That was never in the minds of those members on the committee, and I can stand here and say that quite unequivocally, because I was on that committee. We had no intention at that stage of putting a number of people in administration into an area which is fundamentally a housing zone.

The Hon. T.G. Roberts: Did you consider it?

The Hon. PETER DUNN: We didn't even consider it; it did not cross our minds as far as I am concerned. We thought that it was an area for teaching and research, and that is what was in our mind when we made the recommendation that the Crop Science Institute be shifted to the Waite Research Centre from Northfield. This is the important part: this recommendation came from the Minister of Agriculture at the time to the Environment, Resources and Development Committee, and I think that is the question we must answer.

There are three parts to that question. First, he observed that there was some local disquiet; the natives were unhappy in the area. The Waite Research Centre invited a number of local people to come and view the proposed development. They did not tell the whole story and members will see that from a letter, which I will read in a moment. It was originally planned there be an administration section of about 120 to 140 people, and that was changed during the period in which we were receiving submissions. So, the local people were disturbed, and they were not sure about the development that was to take place in the Waite. A lot of hearsay was involved, and that always generates wrong information. Some rather outrageous claims were made, first, in the local papers and, secondly, in our committee.

Secondly, the Mitcham council had great reservations, and I presume that they were brought about by the fact that the local people themselves had been going to the council and saying, 'Look, we are dubious about this development.' Thirdly, amongst a group of the staff, there were some problems because they were unsure of what the development and their futures would be. So, the Minister—and I think rightly so—said, 'Well, look, we have a committee here which should look at these problems; the committee is in its infancy; it has just been formed; let us refer this problem to it.' So, the Minister referred the project to the Environment, Resources and Development Committee. I agree that the Minister has the right to do that. I agree that the Minister has the right to differ from an opinion that our committee has put up, but he does so at his own risk.

In my opinion, it is foolish for him or her—in this case it was him—to submit this project to us hoping that we would agree with what he has put forward. Then he could

go to the Mitcham council, the research officers at the Waite people and the people in the area and say, 'Look, that committee agreed with all I said; therefore, I expect you not to object any longer.' But that did not happen. We looked at it in great detail and spent some 10 or 11 weeks looking at it in total. We found that in the majority of cases the project was sound. In one area we had a problem.

The project itself I agree with—it is the aggregation of disciplines, which is a good idea. We waste a lot of money by having projects all over the place and the mere fact of the way agriculture is structured involving the whole of the State creates a problem of dispersion. We have people administering here, there and everywhere and I happen to agree with that. When it comes to research it is important to get research officers together to give a cross-pollination of ideas and so that they can help one another with solving difficult research problems. Further, they can share libraries and administration and secretarial staff as well as children services. Today whenever one is putting up a project like this it is important to have some areas of help for people with young children. We agree with that wholeheartedly and it is important in all future development projects that that take place.

It includes the crop sciences, the wine sciences, animal husbandry, CSIRO and the soils branch. They are in the Waite Research Centre and there are probably other research sections within the Waite, but I am not terribly concerned. The aggregation of them is important. The fact that the CSIRO, University of Adelaide and the Department of Agriculture are in one centre must by its very nature make a very powerful research institute, of which I would be the beneficiary as will my sons and daughters and the general rural community of South Australia. In fact, past results from the Waite Research Centre have been quite outstanding on a worldwide basis. I have said before that one can go into institutions overseas and few have heard of the University of Adelaide, but many have heard of the Waite Research Centre.

The Minister referred the problems he had to the committee, knowing that he had reservations about it as he had received pressure from people outside. The committee reviewed the facts and came down with a unanimous conclusion. I did not hear one person object to what we had put up. Some people may have put more emphasis on one section than another, but all of us agreed that it was a good idea to put the Crop Science Institute where it was. We shifted it and decided that the glasshouses would be effective there. It meant the removal of one tree, but we thought that one can plant another 10, 20 or 100 trees in its place and therefore the benefits would be greater than the loss of one or two trees. All in all we thought that the whole project was sound, except for the building of the administration centre.

I was alerted to the fact when our committee wrote to the Minister asking for some detail on the size of this administration building. Initially we were alerted because people at the Waite were not happy with the design of the building as it did not suit what they wanted. The fact that we had to put a rather large area as a car park nextdoor meant the shifting of a number of trees, and other factors such as the problems with traffic through Waite Road, which runs right through the middle of the research centre, had to be addressed. Parliament ought to be aware that the Waite Research Centre is split into two distinct areas: first, Peter Waite's estate on the western side between Fullarton and Waite Roads and on the western side bounded by Fullarton Road. Secondly, we have the university itself controlling an area east of Waite Road. That was the area where this administration building would be placed. I had reservations that the Department of Agriculture—a South Australian and State-owned organisation—was to build on what is fundamentally Federal land. I wondered whether we could have control over the University of Adelaide.

The Hon. Anne Levy: The University of Adelaide exists by statute of this Parliament.

The Hon. PETER DUNN: It exists through statute of this Parliament, but the fact is that it is a huge development area with Federal money, and there have been challenges in the past on what can take place on Federal lands. That was only something that triggered our curiosity. We asked the size of the building and for more detail on the number of people to be accommodated in it because we were told that it would house 140 people. I have a letter from the Hon. Lynn Arnold, MP, Minister of Industry, Trade and Technology, and Minister of Agriculture, and in response to our question he states:

> Re: Northfield Relocation Project.
>
> In response to your letter of 25 June 1992, I confirm that the statements contained therein relating to the main additions to the Waite campus as a result of the proposed relocation project are substantially correct with some minor changes as follow:

One must remember that the building was to house 140 people, we thought. The Minister further stated:

> The administration building is 4 800 square metres in floor area—

and we asked also what was the floor area—

> and will now accommodate about 200 people.

That is a major change.

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: I think they have put in a few others. It meant about a one-third size increase, which is more than a minor change. He further states:

> The Plant Science Centre elevated greenhouse plaza is now 7 300 square metres in area.

That was a slight reduction on what was originally planned. The Minister confirmed other details we asked about regarding the administration area location and further stated:

> Support groups will be relocated from leased premises in Grenfell Centre. All other units listed are to be relocated from Northfield.

We have the Grenfell Centre plus people from the Northfield centre going out there, which may have caused the numbers to rise from 140 to 200. At that point we realised that there would be a problem as the area is designated as Residential 1. It is planned to have that area for residential purposes. A small section of the residential area impinges on the area where we were planning to put the new developments at the Waite Research Centre. For that reason the Minister used an interesting section from the Planning Act—section 7—which provides that the Minister may build and undertake a development on land and not have to abide by the planning regulations as such.

In doing so, he must submit to the commission and to local government what he intends to do in this case, and he should submit an environmental impact statement. It is interesting to note that the locals were asking for that environmental impact statement, as was the Mitcham council, but the Minister advised us that he had Crown Law opinion saying that an environmental impact statement was unnecessary and that section 7 of the Planning Act could be used to go ahead with the building. That irritated a few people, the idea of using a big stick to cure a problem that involved not only one or two people but the entire group of people living around the Waite Research Centre, as well as the people who live on the artery roads running into the centre. Those people are involved because of the huge increase in people going to and from the building. That is a residential area, yet the requirements for that area were being arrogantly run over, in my opinion.

The Hon. Anne Levy: Traffic surveys showed that a large part of the traffic is not locals or people going to work but is wider traffic avoiding traffic lights.

The Hon. PETER DUNN: That is quite correct, but other people are involved. Because we are increasing the Crop Science Institute, the Wine Institute and the Soils Branch, many extra people will be working from that building. It is not only the 200 people who will be coming from the Grenfell Centre and Northfield who will be relocated at Waite, but it includes the others, so that there would be at least 150 more cars going in and out every day.

The Hon. Anne Levy: That is small compared to the through traffic.

The Hon. PETER DUNN: I do not believe it is: I think that it is quite significant. Not only that, but other people will be going there to seek advice. Other departmental people from outlying areas such as Port Lincoln, Port Augusta, Loxton and so on, will be going there on a regular basis to seek advice, so there will be quite an increase in the number of people traversing what is fundamentally a residential area.

The Hon. Anne Levy: I thought that the through traffic was well over 2 000 a day.

The Hon. PETER DUNN: That may be, but we are talking about Waite Road. These people will be going up and down Waite Road alone. I know that the Minister has offered to pay for lights, rumble bars or amelioration projects to slow down the traffic, but that is not the point. The point is that people will be annoyed by these extra cars coming in; and we know that people will not travel by bus. The other point, of course, is that no buses travel to the Waite Research Centre.

We had about six reasons for not putting this up, and I will go through them quickly. First, there was no environmental impact statement. Section 7 was used, and we thought that was a rather arrogant way of jumping a problem. The building was increased in size to accommodate an extra 140 to 200 people, so there would be more cars. There was a requirement for an increase in the child-care area and there would be more people to service from that area.

There is plenty of accommodation in the central business district. Approximately 30 per cent of buildings in Adelaide do not have anyone in them at the moment, so the Government should be able to negotiate a good rental in the CBD for some time into the future. It is interesting to note that when the Minister responded to our committee he commented, regarding excess office accommodation, as follows:

> I recognise the present excess of office accommodation in Adelaide. However, this problem is a relatively short-term issue.

I take issue with him about that being short term. He continued:

> In planning this development, the Government has been looking at obtaining maximum benefit over the lifetime of the buildings. Several alternative locations in the CBD have been examined, and this has confirmed that, on a long-term basis, construction of the administration building is justified.

I do not know how he came to that conclusion. I doubt whether the building would cost much less than $6 million, and if you amortised that money in the bank or invested it, it would have nearly covered the rent in the city. The CBD is all about administration. That is where all our public transport, etc. goes, therefore it was a good idea to have administration centrally located. Furthermore, will the Minister himself go out to Waite and set up his offices there, where he will obtain the best advice from his management people? I suspect not: it would be too far to go and it will not work. We would need to set up a separate block of flats for the Minister somewhere in the CBD, and what would be the rental on that? That has been added to the cost. All in all, it was not terribly clever.

Other things that we considered were the increase in traffic and the design. There was also the fact that misleading numbers were given to us in the first place. In conclusion, the Minister made a mistake, and two factors affected him. First, he either said, 'I will be strong and tough and I can take this on the chest and show my authority to these committees'—

The Hon. R.I. Lucas interjecting:

The Hon. PETER DUNN: That is exactly right. He thought that he would not knock them right out, he would just take out the central part of one of the reports that were given to him. It is interesting: I listened to the Minister on the radio the other day, when someone had asked him about the animals that he liked. I noted that he liked pussy cats. I think that the Minister was a bit like a pussy cat: he rolled over, put his big furry paws up in the air and had his tummy rubbed by the public servants! I think that they wanted to go to the Waite Centre. I think that they wanted to get away from the scrutiny of members of Parliament and the scrutiny of the public, and the Minister acted like a pussy cat.

I say that with some background knowledge, because I happened to be at a meeting some 700 kilometres from Adelaide when I heard from a senior public servant that they would not accept that the State administration for the Department of Agriculture should go to the Waite Research Centre. That was a month before we brought down our report, so I had the feeling that the Minister capitulated to the public servants. I still think that is probably what happened.

We then gave the Minister a report, which was fairly secure within the Parliament yet, next day, I understand that the people in the area had been letterboxed and a press release had been put out saying that the Minister would not be accepting our report. Mitcham council had that press release, yet the Minister has not reported to this Parliament. Either he has shown arrogance or he was

influenced by the public servants. I have found that he is a man of commonsense, but in this case I think that he was used. It is understandable that he could do it in that area, because that is an area that does not vote very strongly for the Labor Party.

The Hon. T.G. Roberts interjecting:

The Hon. PETER DUNN: As the Hon. Terry Roberts reminds me, the local Party branch is very small in the Springfield area. I think he thought that he could not do much harm to his vote in that area, so he would agree. All in all, I think the Minister has made a mistake. I will be interested to see how my colleagues on the Committee vote. I will also be interested to hear what the Minister says tomorrow when he reports to Parliament, as I presume he will. If he does not, I will be interested to see what the effect will be. However, I do think the Minister has made a mistake. I think the Hon. Robert Lucas is quite correct in highlighting this matter in the Council. I implore members opposite to listen to the debate carefully and to support what is being said. Nothing will be lost by leaving the administration section of the Department of Agriculture in the central business district. In fact, it would make it easier for everyone to access, including people in the country.

The Hon. R.R. Roberts: You are always saying that the bureaucrats ought to get out into the country.

The Hon. PETER DUNN: Is the honourable member saying that the bureaucrats ought to go into the country? He is quite right; they should be going out there. This Labor Party should not, however, stick them halfway out of the city. They should not be put in no-man's land. Good God, at one stage we were going to send them to Monarto. That would have been like sending them to Coventry. I, for one, am a flat lander person. I do not like having one leg shorter than the other. I am not a hills dweller.

The Hon. Anne Levy: Monarto is a lovely place.

The Hon. PETER DUNN: It is a tremendous place, and is full of animals now. The fact is that we do have agriculture centres around the State, to which middle management people could easily be sent; they could be given a car and told to get out there amongst the people in the country, where the export dollar is being grown and earned. However, the fact is that the Labor Party has not done that. It has said that we will have a couple of hundred people in middle management and will put them in the city.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: The Minister would be well advised to listen to this; this is very important and she is going to have to respond. Most of the middle management people are in the city and if they are to be put at the Waite Research Institute they will be even more difficult to access, and that includes the Minister. You won't be able to access them.

The PRESIDENT: Order! The Hon. Mr Dunn will address the Chair.

The Hon. PETER DUNN: I apologise, Mr President. However, I think the Minister could access those people better if they were in the central business district and not at the Waite Agricultural Research Centre. The Committee came up with very many carefully considered and important reasons why the administration centre should not go to the Waite campus. I therefore support the motion.

The Hon. M.J. ELLIOTT: I rise to support the motion. I did not intend to speak, but I will speak briefly on this occasion. I was not going to speak because I thought that it was usual practice to wait for the Minister's official response to come into the Council before doing so. The reason I have chosen not to take that course of action is because I think that the former Minister of Agriculture, now the Premier, has behaved inappropriately in relation to this matter. In particular, the committee made a report asking for reassessment of a particular matter. Within days of that report being tabled, and I would say clearly before any real reassessment could have occurred, Waite residents were already being circulated with information telling them that the whole project would be proceeding. More importantly, and the most compelling reason why I have chosen to speak today is that the tenders are already out. In fact, some of the tenders have already closed for some of the works at the Waite Institute. Waiting for another week or two to see what happens while the tendering process is going on would be a fairly fruitless exercise, and I believe that there has been a great deal of arrogance in not carrying out the reassessment that was asked for by the committee.

The Hon. Anne Levy: Tenders including the administration building?

The Hon. M.J. ELLIOTT: Yes, as I understand it, and earthworks and all sorts of things, some of which have already been closed. This is important, even if it is related to other buildings, because the removal of the administration building actually gave some flexibility to the placement of other buildings and resolved some other problems which otherwise could not be resolved. The report itself contained important reasons why we thought that the administration building itself should not proceed. It was never justified to our committee. We sought justification but did not receive it. We asked for reassessment of that decision and to this stage still have had no substantial reason given to us. I ask then: what is the point of having a new committee of this Parliament, with six members from the two Houses, spending 12 weeks working on this project, putting in a heck of a lot of time, at the request of the Minister, and then to have that ignored? I think 'ignored' is the only way one can put it.

One could accept it if the Premier had come back and said that he had reassessed the matter, that here is additional information that we did not put before, and that on that basis it should proceed. But we did not get that, and we have not got that. As I said, no substantial reason has been given. That is what upsets me more than anything. It is not the decision to proceed in itself that upsets me but the fact that it has been done against advice, that we sought reassessment, which was not done, the speed with which it has been done, the tendering process and everything proceeding. There was some debate across the floor suggesting that it should go to the country. I suspect that that is exactly what the administrators are worried about. In both New South Wales and Victoria the administration of agriculture has been shifted out of capital cities, and I suspect that the sooner the people here can get a building up to call their

own the safer they will feel about not being shifted out to Murray Bridge or somewhere like that—which some people would suggest might be a damn good thing.

As a taxpayer in this State I object to paying for buildings owned by the State Bank and by SGIC that are empty or part empty but then for Government money to be spent on building another building. That does not make any economic sense to me. It may stimulate the building industry mildly but it does not make any economic sense to build another building while we are paying for empty buildings, empty buildings that would do the job. This is quite apart from the fact that clearly it breaches the brave new directions in which I thought we were heading under the Planning Review. The review, for the first time, was supposed to be a holistic approach to planning, asking questions about transport and about proper location of work, etc. The Planning Review made it quite plain that office-type work should be located in the central business district or in other major business centres, such as Noarlunga or Tea Tree Gully, located at transport hubs, and making transport relatively easy. It has not done so. We are talking about a holistic approach but obviously we are saying it will be tomorrow, we are not going to do it today.

The other reasons for our objections are on the record. I believe that they all stand. I would hope that the new Minister of Agriculture will have a look at what has happened so far and review the decision. I think the advice given by the committee was totally apolitical. We had members of all parties come to a unanimous decision, after having sat down and listened to all the evidence over a long period of time. We had no axe to grind. The local residents, while they did not get everything they wanted, accepted that the committee had made a fair attempt, and they were going to accept the recommendations from the committee's point of view. There were many things they asked for that they did not get, but I think they accepted that we were acting as fair and impartial arbiters. Unfortunately, the very person who first sent the matter to arbitration seems to be the one person who has not accepted it. I support the motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

GAMING MACHINES ACT REPEAL BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to repeal the Gaming Machines Act 1992 and for other related purposes. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

In May the majority of members of Parliament voted to allow the installation of poker machines in South Australia's hotels and clubs. It is my belief that that vote was flawed and should be tested again. I believe that the mood of the public was grossly misjudged by many members; I believe that political considerations carried too much weight in the decisions of some members; and I also believe that the five members in the House of Assembly who did not register a position in the May debate deserve a chance to do so, and I add that their electorates deserve the chance for their representatives to do so.

Church and community welfare organisations concerned about the social costs of increased gambling have joined forces and embarked on an extensive lobbying campaign. They have acknowledged that they were tardy in organising their opposition to gaming machines and have said that they had been relying on what they presumed was the basic integrity and compassion of members of Parliament. Frankly, they never expected the legislation to pass. They have been sadly disillusioned but motivated to action nonetheless.

Church and community welfare organisations base their opposition to pokies on a combination of moral and social arguments. These are the groups which will largely bear the brunt of the social fallout from increased gambling activity. The 1992-93 SACOSS budget priorities document called 'Investing in the Community' points out that non-business bankruptcies in South Australia have increased 148 per cent since June 1986. While gambling accounted for a small percentage of those bankruptcies the submission goes on to say:

> The people of South Australia, community agencies and groups are dismayed by the gaming machine legislation recently passed in the South Australian Parliament which will undoubtedly increase levels of debt and bankruptcy, which in turn will exacerbate social breakdown in a number of areas—domestic violence, homelessness and petty crime.

These consequences will rest largely on the shoulders of the non-government service providers. The Government has verbally committed $2 million, if necessary, to be distributed to organisations which have an extra workload or extra demands on them as a result of the introduction of poker machines. Given the extent to which non-government agencies are already stretched by the recession, this amount is no where near adequate.

The evidence of wider community support for the position of the church and community welfare organisations was evidenced in the rally on the steps of Parliament House when several thousand people gathered to protest against poker machines. The volume of mail crossing my desk either supporting me in my position or asking for opinion is also evidence of wide community opposition to poker machines.

Since the original debate on the gaming machine legislation in May, there have been some fundamental changes to Parliament, to the extent that the leaders of both the Government and Opposition in the House of Assembly have registered their opposition to poker machines. In all, five members of that House did not take part in the vote, either because they had not been elected at that stage or because they were absent for one reason or another when the vote was taken—and that is other than members who appeared, and there were another I think eight of those.

I believe that, in the light of community concern over this move, all five members should have the opportunity to register their position on the public record. As the margin in the vote last session was one vote, the stage is set for a reversal. There is nothing undemocratic in Parliament's repealing legislation, as the Hotel and Hospitality Industry Association would have us believe.

When I announced that I would introduce this Bill, the Hotel and Hospitality Industry Association spokesman was quoted as saying that I was abusing the

parliamentary process. That comment displayed a fundamental misunderstanding of the parliamentary, as opposed to political, process and an ignorance of the powers of Parliament. It is the prerogative of Parliament to amend and repeal the rules of the State; that is Parliament's function. Many Acts, in the time I have been a member, have been repealed because they were considered inappropriate or had become unnecessary.

I believe that in May there were members who allowed their votes to be influenced by a related but largely extraneous matter, that is, the allegations of conflict of interest surrounding the Minister of Tourism at the time and the bearing that those allegations may have had on the outcome of Cabinet's deliberations on the Gaming Machines Act. Those votes may have gone either way depending on whether the member who took that matter into account believed that such conflicts had or had not taken place or whether a 'Yes' vote would be seen as a vote of confidence or otherwise in the Minister.

Now that those allegations have been the subject of an inquiry which has duly reported and the Council has discussed the report, I believe members should separate the issues. The vote on this repeal Bill should be made according to each member's conscience, having formed an opinion on the arguments presented during the many debates over poker machines.

I wish briefly to address and refute some of the major issues that have been brought up by proponents of poker machines in the debate so far. Employment creation is, I believe, a furphy. For every job poker machine related activities create, jobs will be lost elsewhere, either through gambling addiction or diversion of entertainment dollars.

There are also far better ways to invest the money which will go into the machines to create far more stable and productive jobs. I believe the effect of the flow of dollars across the border associated with pokies holidays is overstated. The people taking the trips will still take bus holidays; the attraction of poker machines is just one reason for going—and if there is not one reason there will be another.

The mere fact of travelling away from the everyday with a group of friends and the new sights seen along the way are also reasons for such holidays. My experience of living in Renmark for six years is that locals did not often go over the border to seek entertainment. I went to Wentworth only twice during my six years in Renmark.

I have always supported legalised, Government controlled gambling but have vehemently opposed gambling promotion. Our society allows and accepts many notions which are potentially harmful where those activities do not infringe on the health and safety of others. For example, drinking alcohol is legal, but drink driving is not; and smoking is legal but not in many public places. Although society accepts these activities, it is increasingly taking responsibility for their consequences.

The promotion of tobacco products is now severely restricted and packaging must carry warnings. Reduced taxes on low alcohol drinks encourage more moderate alcohol consumption, and advertising of alcoholic beverages is subject to standards. There is no harm in a bit of gambling and many people choose not to, despite the fact that South Australia already offers more opportunities than any other State.

However, 10 000 South Australians already cannot control their gambling: they are addicted. Compulsive gamblers' personal problems become society's problems as families are left with massive debts. Gambling also impacts on employers. One estimate is that it costs South Australian industry $200 million per year in lost productivity and theft. South Australia, over the past decade, has not merely allowed gambling but has encouraged it.

Governments have increasingly seen it as a source of easy revenue and set up bureaucracies aiming for uncontrolled growth. In 1972-73, Treasury collected $6.5 million from gambling activities, and in 1989-90 it expected to collect $111 million. Poker machines are expected to lift gambling revenue by a further $55 million. Over the past 12 months, South Australians gambled up to $1.4 billion. The TAB was established for admirable reasons: it catered for an existing demand in providing facilities for betting on racing and helped reduce criminal activity in the industry. It has since developed a growth strategy and no longer caters for demand but fosters it by constantly creating new products.

The Lotteries Commission has had a similar history. Having been set up for a legitimate purpose, stopping South Australians buying tickets in interstate lotteries, it has since been involved in developing new gambling products and increasing their availability. We are now faced with a Government which has blown the State's books and seen poker machines as an easy, covert way of raising more revenue. In the current economic climate, I can understand the ease with which some clubs and hotels have grasped for the machines as their salvation. But, before we increase gambling in this State by a further 33 per cent, we must face a fundamental question: should the promotion and growth of gambling be encouraged, given its darker side of addiction?

We are beginning to take measures to restrict the impacts on society of some potentially harmful activities. The current direction of the Government and its agencies to promote and encourage gambling goes beyond that trend. You can never protect people from themselves, and people should be allowed a choice as far as is practicable. But decision-making must include an acceptance of responsibility. The responsible approach to gambling is to allow but not to promote and encourage it. That would be consistent with the current approach to alcohol and tobacco consumption and is the reason for my opposition to the expansion of gambling opportunities in South Australia.

My repeal Bill will give Parliament another chance to show the people of South Australia that, as their elected representatives, we are prepared to take responsible decisions and that, if we believe we have made a mistake, we would be prepared to say so. Poker machines are already available in the Casino to those who want to use them. When the vote was taken to allow them to be expanded across the State, the mood of the South Australian public and certainly the depth of feeling were misunderstood. Some members may have allowed their vote to be influenced by the political situations surrounding the Wiese conflict (I did not believe so, but

some have indicated to me that that was the case) and that the vote, then, perhaps was not a true reflection of their opinion on the issues relevant to gaming machines.

It was not my intention today to cover the full range of issues which have already been debated previously in this place; I do not think that is necessary. I do hope that this matter will be resolved one way or the other fairly quickly; in fact, I hoped that we would resolve it in the first week or two of Parliament sitting. But, unfortunately, the Government has apparently set about doing everything it could to delay the vote. The Bill was assented to only during our recent long break, and this is the first opportunity I have had since assent to move the motion. The Bill is a very simple one. Clause two repeals the Gaming Machines Act 1992, and clause 3 allows for compensation under limited circumstances. There is no legal right to compensation and, until provision has been assented to and proclaimed, it is not a law until that point. I am willing to accept that perhaps some hotels reasonably believe that, having passed both Houses, the legislation would be proclaimed fairly quickly; that probably was a reasonable expectation.

However, within about five weeks of that, I had made it quite plain that I had attempted to repeal the legislation. Following that date, which was 22 June, any reasonable person would have realised that not only was the law not in place but also that it was under serious challenge and might not come into place, and that beyond that date they would be taking a real risk in making any further investment. I am indeed sorry that an extra couple of months delay has taken place but that is something that certainly has been beyond my control.

I would reasonably expect the cost to be in six figures, because at that stage work would not have been carried out in most cases and most people had not advanced their plans very far. So, as I said I believe that it would involve six figure numbers, and a lot less than the $50 million that the Liberal Party was willing to remove from the State budget by way of knocking out the increase in licence fees for petrol. As I understand Mr Ingerson's statement, it is probably about 50 times less. So, I do not think those sorts of numbers should frighten us in the overall schemes of things; it is not a vast amount.

This will, I suggest, be the last chance for quite some years to undo what Parliament did last April. If we do not take this chance now, we will have to go through the pain of what gaming machines will inflict upon us. I understand that one country, France, having had them for some time, finally removed them. Very few other places have a long history of gaming machines, other than New South Wales and, of course, one State in the United States. But, we are pushing ourselves and will quickly be in the forefront of this area, and it is my belief that it is an experience that we will regret, and I think Parliament will be judged dimly for a decision that it made if we do not rescind that measure here in the next couple of weeks. I urge members to support my Bill.

The Hon. K.T. GRIFFIN: In indicating my support for the second reading of this Bill, I want to indicate that the question whether or not the Bill should be supported is on this side of the Chamber to be regarded as a conscience issue, as was the principal Act, the Gaming Machines Act, passed finally earlier in the session. So, it is a conscience issue, and I have no doubt that on this side of the Council there will be differing points of view about the merits of this legislation. I indicate quite clearly and unequivocally my support for the Bill in respect of the repeal.

The issue of compensation is one issue that, if the Bill gets to the second reading, I would want us to explore in more detail. However, I recognise the basis upon which the Hon. Mr Elliott is proposing that some recognition of the costs to the private sector in reliance upon the Government Bill and the passing of the Bill by the Parliament ought to be taken into consideration.

Members will recall that at the time of the principal Act being debated in the last session I referred to a number of statements which had been made by religious and charitable bodies about the wisdom of proceeding to legalise gaming or poker machines in hotels and licensed clubs.

Opposition was expressed by the South Australian heads of churches in August 1991. They unanimously expressed profound concern at the proposed extension of gambling facilities over the entire State. The Uniting Church in the latter part of last session (about April, I believe) indicated its concern about the prospect of gaming machines in hotels and licensed clubs independently of the unanimous view of the South Australian heads of churches. The Adelaide Central Mission had been particularly active in opposing the extension of gambling opportunities because it was at the forefront of care not only of compulsive gamblers but also the families of gamblers and those likely to suffer as a result of the extension of gambling opportunities in South Australia.

The Adelaide Central Mission, through both Mr Vin Glen, in charge of the mission's counselling service, and its superintendent, the Reverend Ivor Bailey, was particularly vocal in its criticisms. The unfortunate thing is that there was not the sort of vigorous public campaign with marches and rallies that the passing of the Bill would have provoked if the churches and other organisations, which had a clear view on this, had been more vocal and militant in drawing to the attention of the public what they saw as the evils of poker and gaming machines. It may be that the vote on the principal Bill may not then have been as it was finally. But, they did not become so active until the Bill was passed and until consternation began to surface as a result of the decision of the majority of the Parliament. So, that is unfortunate and I rather suspect that, although I hope the Bill will be passed, it may be too late. That ought to establish some lessons for the future in relation to the way these sort of issues are dealt with publicly.

There is the question of turning back the clock, the Parliament having passed the principal Act, and one must give careful consideration to that issue and the consequences for those who relied upon the passing of the principal Act. Notwithstanding that, when one comes to balance the serious and deleterious consequences of the passing of the principal Act, one can only reach the conclusion, in my view, that poker machines ought not to be widely available in South Australia and that this Bill ought to be supported in that respect.

The Hon. Mr Elliott had some difficulty getting the Bill into Parliament, largely because the advice he

received was that he could not introduce a Bill to repeal legislation that had not been assented to. I will make a couple of observations about that because the Bill finally passed the House of Assembly with the acceptance of the amended schedule of amendments from the Legislative Council on 26 August 1992. The Bill was not assented to until 17 September 1992, which is in my experience a much longer period than normal from the passing of a Bill to assent. One can surmise that the assent was delayed to ensure that there was not an opportunity to introduce a repeal Bill before this week. In the week of the assent the Budget Estimates Committees were meeting, as they were the following week. The next week the Parliament was not sitting and last week we sat for only two days. It appears that there was a stifling of opportunity for the Hon. Mr Elliott to proceed with his Bill. That is a serious issue which a Government member, in speaking at this stage of the debate, ought to consider commenting upon.

As I assess it, the principal Act was supported by a majority in the Parliament for two primary reasons: first, to provide hotels and clubs with an opportunity to widen the range of products that they offer to the community with a view to strengthening their viability. So far as Government members were concerned, the benefit to be provided to the Government as a result of the introduction of gaming machines was that in a full year it was estimated that $50 million would go to Government revenue. With an interest rate of 10 per cent, that is sufficient to pay the interest on only $500 million of the gross State Bank loss of $3.2 billion.

In 1991-92, the net revenue to the Government from all forms of gambling was approximately $130 million and in the current financial year is expected to be about $129 million. The Hon. Mr Elliott has already referred to the turnover of gambling in South Australia and, if one looks at the various reports published by Government betting or gambling agencies, one can see that the TAB had a turnover in 1991-92 of $496 million, the Lotteries Commission $248 million, the Bookmakers Board $115 million, the Casino $466 million and small lotteries (the figure for which I have not been able to find for 1991-92) in the previous year $90 million, which brings us up to a turnover for 1991-92 in excess of $1.4 billion. That is an extraordinary figure, which in 1991-92 brought in $130 million to the Government and in the current year is expected to bring in $129 million and, in addition, about $50 million in a full year from poker machines.

The Adelaide Casino, feeling the potential heat of the introduction of gaming machines in hotels and licensed clubs, in June began extensive publicity for the promotion of its own video gaming machines with a video poker grand tournament in July and the promise of extensive prizes and other takeaways. The heading to the advertisement, 'The more you play the more you win' is an enticement to those who may have the gambling bug to participate in that tournament. That will always be one of the problems with gambling opportunities. There will always be a substantial number of people who will not be able to resist the temptation to make use of the machines, will lose a week's wages, go into debt and cause hardship not only to themselves but also to their families.

That was the concern of the Central Mission and of the South Australian Council of Social Services, both of which have been quite outspoken in expressing their concern that many South Australians will suffer as a result of the introduction and ready accessibility of these machines. A number of studies have been undertaken in relation to the consequences of compulsive gambling, although I do not intend to go through them in any detail. Suffice to say that the effects of excessive gambling include: effects on individual mental health, marital and family relationships, as well as relationships with friends and others; financial consequences; employment and productivity consequences; and related legal problems, including offences where compulsive gamblers resort to criminal activity with a view to providing a means by which they can restore losses and repair not only the family budget but, sometimes, the employer's budget.

A recent study undertaken in the Australian Capital Territory of betting agencies, TABs, clubs and other institutions suggests that from .15 per cent to .1 per cent of the population is at risk from excessive gambling. If translated to South Australia where, I suggest, there is unlikely to be a significant difference from the Australian Capital Territory, that would mean that up to 14 000 South Australians are at risk of becoming compulsive gamblers committed to excessive gambling with all the undesirable social consequences that flow from that.

Of course, there is the issue of organised crime, and the Police Commissioner's own statements that were quoted extensively during the debate. So far, a number of people have made observations to me about this Bill—all in critical terms. I recognise that there are those in the community who are in favour of poker machines and their greater accessibility in hotels and clubs, but many are highly critical of the Government for being prepared to allow these gambling opportunities, which will have the potential to wreck human lives, while at the same time seeking to embark upon moral legislation in respect of workplace dress. But that is an issue to be explored another day. Those who made observations to me believe that the Government, in respect of those two issues, is demonstrating double standards. It is in that context, therefore, that I indicate support for the second reading of this Bill.

The Hon. R.J. RITSON: I will be extremely brief and will not canvass the arguments. However, I want to remind members of some of my words that night in May when we sat right through the night and into the next day to dispose of this matter. I made the comment then that something was starting to stink. The Hon. Mr Griffin has referred to the fact that it was a conscience vote on this side of the Chamber, and I observed that it was not on the other side. It was said to be but, in fact, it was indistinguishable from a Government Bill—and the Hon. Mr Feleppa knows about that.

I do not have an objection in principle to gambling, and I searched for a principle to deal with this question. I found one and, if I can be just a little flippant, that principle is: when all else fails, listen to the electorate. The electorate was very clear about this: the caring institutions and social institutions opposed it; the charities generally opposed it, owing to competition for the lotteries dollar for charity events; other gambling codes opposed it; the heads of churches opposed it; and surveys

of the ordinary person in the street indicated that the simple majority of the electorate at large opposed it.

In addition, it was felt that it was quite a reprehensible breach of faith on the part of the Government to doublecross the Casino. Although there is not the same principle behind each group—and I do not have a conscience principle in this—the principle of listening to the electorate tells us clearly what we should do. I do not know why the Government appeared as a Government to be so desperate to get this matter through. I do not know which friends it was trying to reward, but it was certainly not the ordinary elector. I wonder how many percentage points of the points this Government is behind the Liberal Opposition in voting intention are attributable to the Government's behaviour over this Bill. I support the repeal Bill wholeheartedly.

The Hon. J.C. BURDETT: I support the second reading of this Bill. I made my position clear when speaking to the previous Bill, the one that eventually sort of passed in the last session, although it had to be confirmed, as it were, during the present session. I do not have any objection to responsible gambling, but I am concerned about the social damage that can occur through compulsive gambling. There was then and now there is more evidence of just how devastating that damage can be, and much of that was quoted during the previous debate. I quoted some of it, including one piece from a hands-on doctor and one from a hands-on social worker about how completely devastating this kind of damage can be.

I also noted that I felt it was likely that this kind of damage was more likely to occur and to have effect with gaming machines in licensed premises than with the kind of legalised gambling we have at the present time. I noted that there were adequate opportunities in South Australia for legal gambling, anyway, and pointed out that members of my acquaintance who go to the Casino—and there is nothing necessarily wrong with that—decide, in the first place, to go to the Casino, so they have made the conscious decision to gamble before they ever leave home.

They have made that decision at home and without any influences that were likely to lead them into the kind of gambling they could not afford. I noted that most of them told me that they had decided how much they wanted to gamble and that, generally, they adhered to that. I pointed out that people who go to licensed premises do not as a rule go for the purpose of gambling; they go to have a few drinks and to talk to their friends, so they have not thought before leaving home about the position of gambling. When they are there, through peer pressure they may easily be pushed into gambling and, after they have had a few drinks, they are in a situation that is not conducive to making a responsible decision about gambling.

That was my previous position, and I certainly don't see any reason to depart from that. In fact, what has happened since, as other speakers have said, has actually strengthened in my mind the position that I took then. It has been said by the hotel and hospitality industry and by others that to pass this Bill so soon after the passing of the original Bill would lead to uncertainty. It has also been said that there was fair debate previously and so why debate the matter again. In some circumstances the uncertainty argument may be valid. Certainly it would be undesirable if, after every Bill was passed there was shortly afterwards a Bill to repeal it. However, the circumstances in this case are not ordinary circumstances. The fair debate argument is just not on, because there was not fair debate.

In the first place, there was mismanagement of the Notice Paper on the part of the Government. The original schedule of sitting days that was set down provided for Parliament to go on sitting until a date early in April, if required. I might say at this stage that members might remember that I was not present on that momentous night or early morning when the debate was occurring and the vote taken, because late last year I had planned an overseas study tour and I had set up appointments. Because I planned to leave the State on 1 May that seemed to be allowing adequate time, even for some extension of the Government's planned schedule of sittings. But of course that was not to be, so I was not there.

Although I was not there, reports I have received about it have led me to believe that there was not fair debate and that there was unfair, undue and enormous pressure brought to bear on certain members of Parliament. I propose to read a small part of an article in the publication *SA Catholic, June, 1992*. Fortunately, because our Library is a library of record and all publications in South Australia have to be deposited with it, this publication is available for all members to read. I hope that some members will read the article in full. It is entitled 'Politics and the pokies' and was written by Sister Janet Mead. Some of the older members might remember that she was the South Australian singing nun who, much longer ago than I suspect she would care to remember, was famous for her rendition of 'Our Father who art in heaven', which was rendered in an even better sort of voice, Mr President, than yours when you read the Lord's Prayer each day in Parliament.

The Hon. R.R. Roberts: No prizes for that!

The Hon. J.C. BURDETT: Yes. She was and is an extremely good singer and is presently involved in a rock group. She says in her article:

> At 5.40 a.m. on Friday 8 May, legislation paving the way for the introduction of poker machines into South Australian hotels was passed in the Legislative Council to the cries of 'Shame! What happened to conscience and democracy?' from the public gallery. I will never forget the looks on the faces of those 21 parliamentarians as they watched the 12 of us file out of the House, shocked and saddened by what we had witnessed.
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> The night's tale started at 8.15 p.m. when, because it seemed that the pokies Bill would fail through insufficient numbers, an adjournment was called for to allow time for 'persuading' some members to change their 'conscience' vote. The ensuing 5½ hours revealed the power play that politics has become. Many members and staff alike admitted to us that rarely had they seen such blatant coercion of a member. We sat in the corridor and watched in growing dismay as members huddled in corridors and behind locked doors in an atmosphere of increasing drama and emotion.

I do not propose to read the whole of the article, although it is not very long. The last part, though, states:

> The tale of that sorry night was one of cynical political manoeuvring games. No, I do not believe this was a conscience vote. No, I do not believe this is true democracy. And yes, I do believe that we must raise our voices for truth and justice in the name of all the victims of corrupt financial interests. As Dr Bernice Pfitzner quoted in her last speech of the debate: 'What

does it profit a man to gain the whole world if he loses his soul?'

As I said, Mr President, I commend this article to all members to read. It includes a number of quotes from members, made outside the Chamber, including one from you, Sir. The next point that I make is that, since that time, public pressure, proper pressure, the public voice against the Bill which this Bill seeks to repeal, has grown. This is probably the old story that it takes a long time to stir up public opinion but when it is stirred up it can be a fairly massive thing. Certainly there were strong voices against the Bill before its passage and during the time when it was before the Parliament, but those voices have become even stronger since the Bill was passed, from the churches, from voluntary social welfare groups, and from others, and with public displays, such as the march and the rally on the steps of Parliament House. It has certainly been quite common in my long political career to find that very often it is only after the event that people really get stirred up in regard to a particular piece of legislation.

The evidence of social damage has been escalating since the original Bill was passed, and surveys have indicated quite clearly that the majority of South Australians are opposed to the legislation which this Bill seeks to repeal. As my colleague the Hon. Robert Ritson said most cogently, we should have regard to what the electors think, even if it is in the last resort.

For these reasons there would be every justification for some members who supported the previous Bill to change their mind if they saw fit, because so much evidence of the public view and the social damage which the original Bill involved has come out since it was passed. It seems to me that if any member does see fit to change their mind there would be no shame in that, because that would be based on evidence that was not available when they previously voted on the Bill. For these reasons I support the second reading of this Bill.

The Hon. BERNICE PFITZNER: It is with a feeling of *deja vu* that I speak to this Bill, which is to repeal the recently introduced Gaming Machines Act. This second time around is the second chance for all of us in this Chamber to reassess the legislation that was pushed through too hastily, with mistakes being made which had to be rectified. I also do not accept that changing one's mind makes Parliament seem to be inept. This issue is too important an issue not to get it right.

My reasons for supporting this attempt to repeal the Act can be categorised in three parts: first, my recollection of the totally unacceptable procedure that was used to achieve a majority vote on that marathon night of 7 May; secondly, the Act itself which I believe has certain sections which cannot be achieved; and, finally, information and some research done by prominent education and health workers dealing with compulsive gamblers.

I deal first with the procedural process used to attain the majority vote. In my approximately 20 years of work as a medical doctor in both private and public practice I have never seen such bizarre and intimidatory methods used. These methods to my mind do not promote clear and logical thinking. On that night we sat right through the night and into the early hours of the next morning with blurry eyes and drowsy minds, and then finally took the vote in this Chamber—the House in which one hallmark should be review and logical, clear thinking. However, that Bill, now our Gaming Machines Act, had to be passed and pass it did with one vote.

That individual was pressured; I have no doubt about that. The honourable member was pressured beyond endurance and he acceded to his superiors' demands. The honourable member accepted a Government instrumentality, the State Supply Board, which was granted the supplier's licence and the service licence. What was really requested was a Government instrumentality, the Lotteries Commission, and he settled for the State Supply Board. It is with regret and disappointment that the honourable member eventually caved in, although I understand why he did so.

The Hon. Anne Levy: What is the matter with the State Supply Board?

The Hon. BERNICE PFITZNER: Mr President, the honourable member has asked me why, and I will come to it in a moment. The honourable member caved in and although I understand why he did so I cannot accept or condone his accepting a lesser position. I hope against hope that the honourable member, who now has a second chance to reconsider, will do so and that he may stand up and make it a true conscience vote as that is what it is.

The Hon. R.R. Roberts interjecting:

The Hon. BERNICE PFITZNER: The honourable member opposite asks whether that is intimidation. I believe it is clear and logical thinking. It has been communicated to me that perhaps the honourable member does not know his mind, and I find that hard to believe as in previous communications with the honourable member I have found him forthright and definite in his deliberations. Some of us find it difficult to go against a request or a demand even though all our instincts may scream that it is not right.

The Hon. Anne Levy: What is the matter with the State Supply Board?

The Hon. BERNICE PFITZNER: I will come to that later. What happened that night I consider to be a farce—a pressured individual, a prolonged session, a token Government instrumentality were the ingredients for surrender.

The Hon. Anne Levy: There is nothing token about the State Supply Board. It's an excellent organisation.

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: Yes, the State Supply Board is an excellent board for what it was initially established. I will consider briefly the Act itself. As previously stated, we have the nonsense of the State Supply Board holding the suppliers' and service licence. The State Supply Board is quite inappropriate as it does not have the expertise nor I suspect the inclination to hold these licences, but it is a Government department and it does as it is told. It must have been quite a surprise to the State Supply Board to be informed of this elevation from pens, paper clips and rubber bands to gaming machines and their service.

The Hon. Anne Levy: It does a lot more than that.

The Hon. BERNICE PFITZNER: I do not believe it knows much about gaming machines.

The Hon. Anne Levy interjecting:

The Hon. BERNICE PFITZNER: The member opposite says that I do not know much about the State

Supply Board. I would like to inform her that I worked with the school health for 15 years and had intimate communication with the State Supply Board, but mainly on pens, paper clips and rubber bands.

The Hon. Anne Levy: I tell you it does a lot more than that and I suggest you go and visit it.

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

The Hon. BERNICE PFITZNER: Yes, we did improve some parts of the Gaming Machines Act, in particular the defeat of the linked jackpots, the reduction of the number of machines from 100 to 40, photographs and fingerprints for licences and the authority holding the monitor licence not being allowed to hold the other licences. However, in my estimation the Act is still flawed. In this context I must raise the initial flaw of the two amendments that were overlooked and therefore not communicated to the other place. This error was just a sign that this very important Act was not accorded the cool, calm and collected deliberation it should have had.

The Hon. Anne Levy: It was not a mistake by us.

The Hon. R.J. Ritson: It was our responsibility.

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: A mistake is a mistake and I do not intend to argue whose responsibility it is. Indeed, one of the Council's mandates is for all Bills to be considered coolly, calmly and with collection. However, there are two other substantial flaws in this Gaming Machines Act which are still in place, and which are totally unacceptable. First, under the eligibility criteria, section 15 (4) *(f)* provides:

> The conduct of the proposed gaming operations on the premises would not distract unduly from the character of the premises, the nature of the undertaking carried out on the premises or the enjoyment of persons ordinarily using the premises apart from the purpose of gambling.

These conditions in my estimation cannot be satisfied if gambling machines are to be installed. In the clubs and hotels it is a tradition for people to congregate to drink, to communicate and to converse. Gambling machines and in particular pokies are anti-social. One sits glued to the stool, eyes glued to the whirring combinations.

I know it, I have done it. Socialising is at its minimum. As a person born in Singapore, I have had experience of many a lunch and dinner gathering in clubs where almost 50 per cent of people excuse themselves to play the pokies. I can report that the gaming operations do detract from the ongoing character of the premises. Even my 20-year-old son has objected to the placement of pokies in pubs for the same reason that it will detract from social intercourse, which is one of the attractions of pubs.

We also have a concern for places, such as the University Club and the Festival Centre. Both have the potential for gaming machines. Do we want extra temptation for our young, bright academics? Do we want machines intermingled with our fine and artistic Festival Theatre? The second flaw lies in section 54 (2), which provides:

> If the holder of a gaming machine licence is satisfied that the welfare of a person or the welfare of a person's dependants is seriously at risk as a result of the excessive playing of gaming machines by the person, he or she may by order bar the person from entering or remaining in the gaming area or areas of the premises to which the licence relates.

The licensee is, therefore, asked to be a social worker almost and to monitor excessive playing. Further, what is the criteria of excessive playing? Because of those two substantial flaws, I believe that this Act is not workable.

Finally, the third area of my concern relates to the impact of gambling on the community. It must be acknowledged that there are very few statistics in Australia regarding gambling, its compulsion and its impact on society. However, we can and should take into account the concerns voiced to us from medical practitioners, welfare groups and religious groups. We also can be informed by people who work in the field with Gamblers Anonymous, by psychiatrists and by psychologists. Some such information can be gleaned from papers presented at the second national conference of the National Association of Gambling Studies 1986, and at the third national conference of the National Association of Gambling Studies 1988.

I believe that two papers at the second and third national gatherings were significant. The third paper is entitled 'Some economic effects of compulsive gambling on Government, community and employer', by Mr F. Burns, Melbourne. He first identifies the definition of 'compulsive gambling' as follows:

> It is a chronic and progressive failure to resist the impulse to gamble—gambling behaviour that compromises, disrupts or damages personal family or vocational pursuits. Problems that arise as a result of that gambling include loss of work due to absence in order to gamble, defaulting on debts and other financial responsibilities, disrupting the family relationship, borrowing money from illegal sources, forgery, fraud, embezzlement and income tax evasion.

He goes on to identify the extent of this compulsive gambling, saying:

> The two most quoted studies, one in the States and the other in the UK, concluded that the percentage of adult population who were active compulsive gamblers was between .77 and 1 per cent. Those studies also concluded that at least another 2 per cent of the adult population were gamblers at risk of being compulsive.

However, a recent study undertaken by Dickison and Hinchley confirmed a view held by commissions and others that perhaps 1 per cent was excessive. Dickison's study concluded that not more than .25 per cent of the adult population were active compulsive gamblers.

So, for the purpose of this paper from which I will quote, I will adopt the lower figure, namely, that one in 100 adult Australians is a compulsive gambler. Even that small proportion of the population has serious economic effects on the Government, the community and the employer. Assuming an adult population of 9 million, there are therefore 22 500 active compulsive gamblers in Australia today.

This paper looks at a survey of gamblers from Gamblers Anonymous members in Victoria which was carried out in June 1987. It goes on to identify some effects on the employer. He says that, if there are 22 500 active gamblers in Australia at present, the total number of days lost due to gambling, on the assumption that they all finally attend Gamblers Anonymous and abstain from gambling after attendance or at least do not take days off after attending gambling, is 4 837 500.

The cost in terms of productivity of gross income to the employer, on the basis that employers expect a gross return of $3 for each $1 of wage over the lifetime of all presently active compulsive gamblers is around $1.5 billion. That is a great sum of money to contemplate. It is clear that the cost to the employer of retaining an active

compulsive gambler is enormous. Then he goes on to identify the cost to Government of defrauding welfare authorities and the cost to Government of false income tax returns. In conclusion, he says:

> While the sample of 12 respondents is small and disappointing to the authors, conclusion as to the actual cost to employer and Government must be tentative, but some general conclusions can be made.

His main conclusion is:

> I conclude that compulsive gamblers are much more prone to lose jobs as a result of active gambling, to steal from their employers and to take more days off work than non-compulsive gamblers.

Further, he says:

> It is accepted that increasing availability of legalised gambling results in an increase in the number of people who participate in gambling and, in turn, the likelihood of the participant gambler becoming compulsive. Each of the State Legislatures in Australia is anxious to continue to increase its percentage of gambling dollar in revenue.

Finally, he asks:

> Are we going to see in the future the percentage of compulsive gamblers actively involved in gambling increase beyond that lower percentage of .25 per cent? It is patently clear not only that Government, which enjoys revenue from legal gambling, have a responsibility to the compulsive gambler but more importantly Government has a responsibility to the taxpayer to allot money to assist in early identification and in treatment.

These are some of the things that one of the papers has identified at a national conference. As the author remarks, the sample study is small but it does show us an undesirable trend which we cannot ignore. The other paper is a short one entitled 'Furtive dollars, the avid punter's family relationship: an exploratory New Zealand study by Derek Symes'.

The particular section in which I am interested concerns children, and states:

> The children are the silent sufferers who often are unable to voice their unhappiness. Children are to some degree surprisingly resilient and generally do not become emotionally entangled in domestic trauma to the same degree as a spouse or partner. However, they are obviously affected and to what extent will vary with circumstances, in particular with the manner in which the parent handles the situation and certainly the manner in which she reacts to them. Children are very susceptible to inter-relationships between other family members. The main danger is that the child, on seeing the damage caused through gambling progression, will lose respect for the parent and ultimately develop an intense antagonism, in effect exacerbating tensions already present in the family.

We must take heed of these papers, written by eminent people who work in the area. These papers show us the trend of things to come: the spectre of a new industry with potential to destroy. We must weigh up the economic benefits against the impact of gambling on the community. We are aware that, if this Act is repealed, those who stand to gain will be depressed and disconsolate, but their depression will not match the despair that will not only touch the gambler himself or herself but also will extend its ripples outwards into the whole community. We cannot allow financial gain to blind us to the ill that this new industry will have the potential to create. With those remarks, I firmly support the second reading of this Bill.

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

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

The Hon. G. WEATHERILL: I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. CAROLYN PICKLES: I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON REVIEW OF CERTAIN STATUTORY AUTHORITIES

The Hon. T. CROTHERS: I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

SELECT COMMITTEE ON THE EXTENT OF GAMBLING ADDICTION AND EFFECTS OF GAMING MACHINES

The Hon. T. CROTHERS: I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 1992.

Motion carried.

OIL SPILL

Adjourned debate on motion of Hon. Diana Laidlaw—

1. That as a matter of urgency, a select committee be appointed to inquire into and report on the cause of, and response to, the spill of ship's bunker fuel on Sunday, 30 August at Port Bonython (which resulted in the largest oil slick in the State's history) with particular reference to—

(a) berthing procedures for various weather conditions;
(b) oil spill contingency plans and facilities;
(c) adequacy and effectiveness of response measures;
(d) resources and costs involved in clean up operations, and
(e) any other related matters.

2. That Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

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

which the Hon. M.J. Elliott had moved to amend by leaving out all words after 'that' and inserting:

'the Environment, Resources and Development Committee be requested to inquire into and report on—

1. The cause of, and response to, the spill of ship's bunker fuel on Sunday, 30 August 1992 at Port Bonython (which resulted in the largest oil slick in the State's history) with particular reference to—

(a) berthing procedures for various weather conditions;
(b) oil spill contingency plans and facilities;
(c) adequacy and effectiveness of response measures;
(d) resources and costs involved in clean up operations, and
(e) any other related matters.

2. The potential for future oil spills at Port Bonython, Port Stanvac and generally in South Australian waters.'

(Continued from 7 October. Page 368.)

The Hon. R.R. ROBERTS: I oppose the motion and the amendment moved to it by the Hon. Mr Elliott. Before going into my reasons, I take this opportunity to set the record straight with respect to some of the happenings that took place in this Parliament when the Hon. Diana Laidlaw moved her motion and some allegations with respect to me.

As the Hon. Diana Laidlaw was giving the reasons for her case, I had in front of me the ministerial statement made by the Hon. Bob Gregory on these matters the day before. Listening to the diatribe of the Hon. Diana Laidlaw in her henny-penny act that 'the sky is falling and that we must do something about an independent inquiry because it is suspected that there will be a cover up,' I had in front of me this document in which most of the explanations were contained.

During the honourable member's contribution, I said that it was not that the Hon. Bob Gregory did not want to investigate in a certain manner or another; I was merely pointing out that the legislative requirements of Acts of the Parliament in this State require that he had to do those things. It was not a matter whether or not it was a good idea.

The Hon. Ms Laidlaw has the unfortunate inclination these days to try to be a clever person when something takes place in this Chamber, and tries to overtake the debate and take things out of context. This has been particularly apparent in debates in respect of the arts, and I must commend my colleague the Hon. Ann Levy for the patience she shows in these circumstances. However, I do not have the grace and patience or the expertise of the Hon. Ms Levy, and I must take this debate a little further. The Hon. Ms Laidlaw said in this place that I should be listening to the people in the area, as I often claim that I represent the people in Port Pirie.

I do not often make that claim, but I am certainly happy to do so, as I make the claim that I represent everyone else in South Australia. However, there is no question that I have a particular interest in what happens in Port Pirie and, in fact, I do listen to the people in that constituency. One group of people with whom I have contact from time to time is the fishing fraternity, of whom the Hon. Ms Laidlaw in her contribution suggested I ought to take notice. I do take notice of the fishing fraternity. I like fishermen: by and large they are a very amusing and happy crowd of people.

I have had plenty of experience with fishermen over the years and I know that professional fishermen always have a bait out and, if you are silly enough to bite on it, you get caught. Listening to the contribution of the Hon. Ms Laidlaw and the Hon. Mr Dunn, I can see that the professional fishermen have caught a couple of flathead on this occasion! The fishermen of Port Pirie were suggesting at the time of the oil spill that we ought to open up the restricted areas of fishing in the northern Spencer Gulf, and I can understand why they wanted that. Since the Department of Fisheries has managed that area, there is no question that there is an increased stock of fish. That was touched on by the Hon. Mr Dunn in his contribution, when he recognised that that fishing was available.

What is really happening here is that the fishermen are suggesting we open up these areas, but when you talk to amateur fishermen and to the local council, other people are saying quite categorically not to open up these fishing grounds but to see what is going to happen. People in Port Pirie have a vested interest in this matter and are much more concerned than other people. When this incident occurred, I had discussions with people in the area. I did not sit in the leafy suburbs of Adelaide and make a few telephone calls, listening to disgruntled people suggesting a cover-up before the investigation has taken place. I actually talked to people in the area and can assure this Chamber that Port Pirie people are really concerned about the long-term effects of what has happened, but they are not looking just to apportion any blame. That will be determined by the investigation.

We will all see the results of that. What the local people are saying is, 'How did it happen? What were the effects? Do we need to change things and what are the long-term effects going to be?' Port Pirie has a long history of people coming from outside whenever some disastrous or tragic circumstance occurs and jumping on the bandwagon for a bit of free publicity. What has developed in Port Pirie is a tradesman-like approach to

these issues, whereby they undertake the investigation and the preventive action which took place on this occasion.

What they are looking for up there is a proper investigation. Speakers in this place suggested in their contribution that, because Santos and the Department of Fisheries were asking for it, we ought to do it. It is fair enough for these groups to ask for these sorts of things, but I should have thought that the shadow Minister of Marine and Harbors would have known the requirements of the Act and would have known that we had to undertake these investigations. I would have thought that, having undertaken the investigations and seen their results, that would have been the time to see whether further investigation was needed.

I must say that, as the Hon. Mr Gilfillan has done, I must commend the people who helped out when the oil spill occurred in the creek next to Port Pirie. There were people from the Animal Rescue Squad (Phil Green, in particular) and others, as well as a couple of young fishermen who chipped in and did a marvellous job with the oil spill. I also must commend the fact that the Hon. Mr Gilfillan took the trouble to go up there and view firsthand what was taking place. He was, therefore, in a much better position to make a proper judgment about some of the things that were happening—although, having read his contribution, I can pick up a couple of anomalies. However, they are of a technical nature and will be covered in the reports that are due out.

It is important at the outset for me to explain why the Government has adopted this course of action. Two investigations are currently under way: one into the cause of the oil spill at Port Bonython and the other into the adequacy and effectiveness of the response measures. These investigations arise from the provisions of the Pollution of Waters by Oil and Noxious Substances Act and from obligations associated with the National Plan to Combat Pollution of the Sea by Oil. The Pollution of Waters by Oil and Noxious Substances Act 1987 provides inspectors under the Act with a number of powers enabling them to ascertain the cause of a spill of oil. Section 33 (1) *(b)* grants inspectors the powers to ascertain whether there has been a discharge of oil into State waters in contravention of the Act.

The section provides inspectors with wide-ranging powers which are necessary and which would assist in any investigation. A number of people are appointed by regulation as inspectors; others have been appointed by the Minister, including the Director of Marine Safety and investigators from the Crown Solicitor's Office. Investigations into the cause of the spill are being conducted jointly by the Marine Safety Division of the Department of Marine and Harbors and officers from the Crown Solicitor's Office and the Attorney-General's Department.

The Crown Solicitor's Office acts as a watchdog, and its role is to ensure that the law is upheld. It is able, therefore, to provide an independent view of these investigations. In the course of investigation there will be a need to conclude whether the vessel was berthed in a safe condition. One role of the Crown Solicitor's Office will be to determine whether or not there are grounds for a prosecution. Two large oil spills interstate are examples of how investigations of incidents and assessments of the responses are generally handled.

Late last year the Greek owned tanker *Kirki* suffered a loss of its bow section off the Western Australian coast, causing 18 000 tonnes of crude oil to spill into the sea. In the same year, the Japanese owned vessel *Sankyo Harvest* struck a rock and sank, causing a spill of 750 tonnes of heavy bunker oil, which polluted 40 miles of beach near Esperance in Western Australia. As the vessels were outside port limits, and the *Kirki* was outside State limits, the investigations into the causes were conducted by the investigations section of the Commonwealth Department of Transport and Communications.

The assessment of the effectiveness of the response provided by the Western Australian State Committee of the National Plan was conducted and reported on by that committee for both incidents. Within the format of the national plan, this is accepted practice. The procedures being followed in South Australia are the standard procedures, and are no different from those that applied in Western Australia, except that the investigations into the cause are being carried out by the appropriate State authorities. When both reports are finished, the Minister of Transport Development intends to make a statement in this Parliament.

In moving her motion for a select committee, the Hon. Ms Laidlaw has said that, while internal inquiries are important, they are not sufficient. Indeed, she claims that a select committee will 'uncover the truth of what happened'. This is an outrageous allegation, insulting the integrity of those charged with responsibilities under the Act and the plan. Any suggestion that these officers cannot or should not conduct investigations is ludicrous.

In regard to the response to the Port Bonython spill, the assessment was conducted by the full State committee with representatives of Government (both State and Commonwealth) and industry. An independent oil spill expert was also present, as well as the Canberra based AMSA oil spill technical adviser, who has been involved in oil spill control for about 20 years. The ability of this State, other States and the Northern Territory to be able to respond to spills of various sizes is being investigated by the Australian Maritime Safety Authority with the assistance of each National Plan State Committee and oil spill experts from other States.

These investigations are being conducted in conjunction with a complex review of the national plan, which involves representatives from the Commonwealth and State marine authorities, Commonwealth and State environmental departments and the Australian Institute of Petroleum (AIP). AIP represents all oil companies in the country. The review began late in 1991 and is expected to be completed before January 1993. In relation to the Port Bonython spill, the response provided and the equipment utilised will be used to assess the capabilities of the State. This, in effect, is an independent inquiry into oil spill contingency plans and facilities and the adequacy and effectiveness of the Port Bonython response measures. It is being spearheaded by the Australian Maritime Safety Authority (AMSA), and involves not just representatives of the Department of Marine and Harbors but all relevant bodies, including the Australian Institute of Petroleum.

In terms of response, it should be stressed that it is not possible for any one area to have on hand equipment to respond to large sized spills. The Australian Marine Oil Spill Centre (AMOSC) has been established by the oil industry in Geelong at a cost of $10 million. The AMSA, under the national plan, has equipment stored across the country, with the larger stockpiles at the busiest oil distribution centres. There is provision for this equipment to be transported quickly to various parts of the country. AMOSC equipment can be in Adelaide within 12 hours. Any findings arising from the review which lead to adjustments to the national plan will be considered by the country's Transport Ministers at future meetings of the Australian Transport Advisory Council, and these adjustments, if any, will be widely publicised.

It is necessary to set the record straight in respect of some of the claims made by the Hon. Diana Laidlaw in calling for an independent inquiry. In support of her motion, the honourable member stated that the South Australian Fishing Industry Council (SAFIC) also wanted an independent inquiry. This is typical of SAFIC and its focus on financial matters. In over 10 years there have been many accidents involving fishing vessels, and these have included fires, sinkings, collisions and shootings, which, unfortunately, have resulted in many instances in people being seriously injured and, on some occasions, loss of life. Not once is SAFIC on record as having sought any inquiry or investigation into these accidents, let alone an independent inquiry.

The honourable member also stated that Santos wanted an independent inquiry, incorrectly claiming that Santos owned the wharf and the oil and gas facility at Port Bonython. Santos does not own the wharf facility. This is owned by the State. Santos owns the shiploading and pipeline facilities on the wharf and is responsible for all loading of vessels at Port Bonython. It again appears that Santos is selective in seeking an independent inquiry, since it has made no such request to have independent inquiries into incidents involving other vessels.

It was also indicated that former employees of the department and existing concerned employees as well as others concerned with marine safety had supported an independent inquiry. But one has to ask: who are these concerned employees and ex-employees of the department, and why are they so afraid to openly discuss their concerns with departmental officers or write to the Chief Executive Officer? The Hon. Diana Laidlaw went on to say:

> Everyone I spoke to argued that on Sunday 30 August DMH should not have allowed the *Era* to berth from 10 a.m.

I am informed that, before making this statement in this Chamber on 9 September, the honourable member had been to Port Adelaide at the official opening of the new oil berth, and during the morning had spoken to the Chief Executive Officer and directors of the department. I have also been told that she did not raise these issues with the officers at the time. Had she done so she would have found that most of the allegations were totally unfounded. She also stated that Captain Bob Buchanan, the officer in charge of regional ports at the time, is totally unreasonable in his demands on pilots. She did not discuss this matter with Captain Buchanan, although there was ample opportunity for her to do so, but, instead, chose to make some political mileage from unfairly naming him under privilege. She did not seek the opinions of the regional ports pilots. Had she consulted any of these officers, which a reasonable, prudent and fair-minded person would have done, she would have found the allegations to be totally untrue.

The Hon. Ms Laidlaw obviously has little knowledge of the conduct of pilotage, since most people directly involved in this area of the industry are aware that the pilot uses his own knowledge and skills in assessing conditions and is unimpeded by officers in the department in making that assessment. When on board a vessel the pilot would normally consult the Master as to the suitability of weather conditions before proceeding to berth or to delay berthing. If Santos has concerns about any of the matters raised by the honourable member it has ample opportunity to indicate these. If, for example, they wish to suggest that vessels be manoeuvred only in ideal conditions, that is to say, when there is no wind or tide and using all the tugs available in the area, then they need only to arrange this with their trading partners and the shipping lines.

The allegation made was the *Era* was berthed in conditions in which it should not have been, and comparison was made with vessels being delayed and others being berthed at Port Adelaide. There is no valid reason to compare the conditions at Port Adelaide with those prevailing at Port Bonython. The locations are significantly geographically separate. Port Bonython is over 200 kilometres north of Adelaide and was experiencing different weather conditions. It is interesting to note the comments made by the Hon. Peter Dunn in his contribution to this debate. He indicated that he was flying home from Adelaide to Kimba and noticed how rough the sea was and what the conditions were like. Bearing in mind that he was 150 kilometres south of Port Bonython, he would have us believe, I think, that he said to himself: 'Goodness gracious, isn't it rough. I hope they are not trying to berth a ship at Port Bonython.' But the superpowers of the Hon. Peter Dunn are well known to us all, and one of the most striking of the things he possesses is his wisdom in hindsight.

Let me now turn to the claims made by the Hons Mr Elliott and Mr Gilfillan. A number of those claims were not accurate. For example, the oil spill at Port Stanvac on 25 September was calculated by the Department of Environment and Planning to be 100 litres, not 1 000 litres as claimed. The other spills were only minor incidents.

Spencer Gulf lights that were previously the responsibility of the Commonwealth will be taken over by the State. The exception is the Lowly Point light which is no longer required for commercial shipping. The deadweight tonnage of the *Era* is 94 287 tonnes, not 14 000 tonnes as claimed by the Hon. Mr Gilfillan. The quantity of oil that impacted on the mangroves is unknown, but it has been estimated to be about 10 tonnes, not 20 tonnes as claimed. The cleanup was undertaken by the State committee of the national plan, with the assistance of the Police, the SES, the district council and the Department of Marine and Harbors, etc., not simply just by the Departments of Marine and Harbors and Fisheries as claimed. The tug involved in the incident was not operated by the Department of Marine and Harbors, as alleged, but is owned and operated by

Ritch and Smith, a subsidiary of Adelaide Steamship Company.

The area affected by the spill was much less than 20 square kilometres, as claimed by the Hon. Ian Gilfillan, since it mainly impacted on the edge of the mangroves, although a strong northerly wind did drive oil up some creeks. The area is not devoid of birdlife, as both birds and fish are back in the area. Fish were caught near the mangroves by professional fishermen shortly after the spill. I really have to say that from my investigations and talking with fishermen in the Port Pirie area and with fish merchants in the area, it seems that within a week of the spill occurring members of the Fisheries Department together with a professional fisherman attended the area of concern. On asking the professional fisherman to shoot his net around the area, he picked up 3½ boxes of garfish in one shot and moved on. I am led to believe that he was invited to shoot in a couple of other areas, but declined to take up that offer.

I inquired of some of the fish merchants in the area as to what the catch was like and I admit that I was surprised to be informed that they had had one of the best weeks for a catch at that time of the year that they had had for some four or five years. I think the professional fishermen have probably caught another one, Mr President.

The dispersants have not affected the top three metres of the water. Dispersants were not sprayed near the mangroves and were sprayed in waters deeper than four to five metres, water approved by the Department of Fisheries and the Department of Environment and Planning. Over the two days only eight tonnes of dispersant was sprayed. Powder dispersant was not used anywhere. The 139 to 140 tonnes of dispersant that was alleged to have been used certainly was not used, and that is clear from the statements that were made by the Minister of Marine and Harbors in another place in his first contribution. In fact, it was reported on the first day that only three tonnes were used, and the next day another three tonnes of dispersant was used. This was not a State disaster and there was no need to involve the State Disaster Committee.

However, the possible damage to fish and the make of dispersants is being investigated by Fisheries and Environment and Planning. As you will now appreciate, Mr President, calls for this inquiry are based on a swathe of misinformation. It would have been much better and more appropriate if the proponents of the inquiry into this matter had waited for the Government's investigations to be completed.

In summary, the concerns raised by all the speakers in this debate are already receiving attention. I take each of the suggested terms of reference in order. First, whether it was safe for the *Era* to berth on 30 August is a matter being investigated by the Department of Marine and Harbors and the Attorney-General's Department which will also decide whether there are grounds for legal action. As I said earlier the fact that the Attorney-General's Department is involved ensures the impartiality of the investigation. However, I would again point out that it is accepted practice world wide that the pilot in consultation with the Master decides on berthing matters.

Secondly, the oil spill contingency plans and facilities are already being investigated under the review of the National Plan spearheaded by the Australian Maritime Safety Authority. Thirdly, the adequacy and effectiveness of the response to this Bill is being assessed and reported upon by the State Committee of the National Plan with the help of the independent oil spill experts. So it is not a case of Caesar investigating Caesar. Fourthly, information on the resources and costs involved in the clean-up of operations can be easily provided by the Department of Marine and Harbors once they are fully assessed.

The second part of Mr Elliott's amendment is also being independently addressed by the review of the National Plan. In moving his amendment Mr Elliott rightly says that we have been overburdened with select committees, and I certainly agree with that; this is the case. In view of the investigations under way the suggestion of another select committee inquiry is unnecessary. In the Government's view so, too, is an inquiry by the Environment, Resources and Development Committee since this would simply duplicate the work being done. In view of this, the Government opposes both the original motion and its amendment. However, if in its wisdom the Legislative Council supports the call for further taxpayers' expenditure on yet another inquiry, so be it. I am advised that the relevant officers of the departments will be made available to appear before the committee. The Government opposes the setting up of the select committee.

The Hon. J.C. BURDETT: I support the motion moved by the Hon. D.V. Laidlaw. The Hon. Ron Roberts referred to the opening up of further fishing grounds. That is not contemplated in the motion of the Hon. D.V. Laidlaw and does not appear at all. The Hon. Ron Roberts says that what needs to be known is how the accident happened, and that there ought to be a proper investigation. That is exactly what this motion calls for: it calls for an independent inquiry, namely a select committee, and that surely is what is needed.

I would prefer that the motion carried is the original one that was moved by the Hon. D.V. Laidlaw, but if it proceeds in the amended form as moved by the Hon. Mr Elliott I would suggest that a further matter needs to be added. The Hon. Ron Roberts referred to the national contingency plan and to the spill at Mount Kirki. There are the National Contingency Plan Guidelines, the National Plan to Combat Pollution of the Sea by Oil (1991) and the National Plan to Combat Pollution of the Sea by Oil, Operations and Procedures Manual, and the Mount Kirki Oil Pollution Incident Report. I have circulated an amendment to amend the amendment that was moved by the Hon. Mr Elliott to this motion, and I move:

After proposed new paragraph 2 insert the following:

3. The plans and procedures required to minimise any similar tragedy occurring again.

The Hon. DIANA LAIDLAW: I am pleased that my call for an independent inquiry has won the majority of support within this Chamber. The need for an independent inquiry was called for by Santos in a letter to the former Minister of Marine dated 4 September, by the fishing industry (SAFIC) in this State, by the environmental groups which have an interest in the

region and by the *Advertiser* editorial, amongst others. The need for an independent inquiry was further reinforced by comments from the Hon. Ron Roberts this evening. It was a valiant but desperate attempt on his part to suggest that there was no need for such an inquiry. In fact, he refuted with vigour all the arguments in favour of such an inquiry, and I suspect his comments were prepared for him by others, possibly departmental officers. That very fact would suggest that there are even further grounds for an independent inquiry. If those same people who wrote the Hon. Ron Roberts' speech are investigating this matter there are many grounds for members of this Parliament to investigate and determine the matter. The former Minister did suggest, in his forthright manner, that it was ridiculous to have such an inquiry. I believe that that is an insult to all those who were very involved in the clean-up operations and also those who have an interest in the longer-term effects of future oil spills in this State.

This motion aims to look at a number of procedures, plans and responses to this oil spill so that we may learn in the future and hopefully prevent if not minimise such instances in the future. Since I spoke on 9 September in moving this motion, the Australian Institute of Petroleum has also indicated that there are many lessons to learn from this spill in Spencer Gulf. I quote from an article in the *Advertiser* of 3 October, which states:

> The recent oil spill in South Australia's Spencer Gulf has underlined the urgent need for greater industry and Government cooperation in handling spills at sea. Mr Jim Starky, the Executive Director of the institute, said, 'We need to build much greater ties between industry and Government in working out a spill responsible.'

I would add to Mr Starky's remarks by indicating there is a greater need for cooperation not only between industry and Federal and State Governments but also local government, because I was appalled to hear on a radio interview that the Mayor of Port Pirie, Mr Crisp, indicated that he had no idea about the procedures in relation to a spill, and I believe that in his position he and his council should be well aware of what is involved in such instances, because there are such damaging repercussions for the people living in his area and for the ecology of the area. So, we can learn a great deal from this Bill, and that is my hope in establishing this independent inquiry, which will work through many of the conflicting claims that have been made to date in respect of this Spencer Gulf spill.

Lastly, in future we must learn that the person who is in charge of the operations of the clean up is not also the person in charge of investigating this matter. That has been one of the grave concerns about the Government's response to this oil spill. That is an incorrect approach, and it is one that I hope that this committee will investigate fully and work out how authority is assumed in such instances; how it is exercised; and how it will be investigated following such spills in the future, hopefully of which there will be none.

The Hon. J.C. Burdett's amendment carried.

The Hon. M.J. Elliott's amendment, as amended, carried.

Motion as amended carried.

CLASSIFICATION OF PUBLICATIONS (DISPLAY OF INDECENT MATTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 October. Page 368.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. When the Hon. Bernice Pfitzner introduced an identical Bill in the previous session, the principal example she used related to a magazine which depicted demeaning and indecent material. She said that, during the parliamentary recess, the same magazine depicted on its front cover a naked woman posing as a dog on a chain, and this publication was classified in category 2. I think every member of this Chamber would agree that such a depiction is grossly offensive and demeaning to women and in fact the whole South Australian community.

The Bill seeks to strike out from section 14a of the principal Act subsection (1) *(b)*, which provides that a condition which applies to every category 1 restricted publication is a condition that the publication shall not be displayed in a place to which the public has access (not being a restricted publications area) unless the publication is contained in a sealed package. The sealed packages are of course clear and, if the indecent matter such as that about which the Hon. Bernice Pfitzner complained is on the front cover, it can readily be viewed by children or anyone else.

The Bill seeks to substitute a provision that category 1 publications must not be displayed in a place to which the public has access unless the sealed package is placed in a rack or other receptacle that prevents the display of the prescribed matter or is contained in opaque material. The Bill also imposes a condition that the publication must not be advertised in a manner that depicts any prescribed matter except in certain situations which are set out in the Bill.

I strongly support these matters and commend the Hon. Bernice Pfitzner on bringing the Bill before the Council. The Attorney opposed the Bill, as he said, 'at this stage'. His principal objection appeared to be based on uniformity. He said that substantial uniformity is important because publications which are subject to classification are generally published nationally. I do not agree with this reasoning. If the Bill dealt with the matter in the publication he would have a point; but the Bill only deals with the way in which the material is displayed at the retail distribution point. I can see no problem if these conditions are different in different States; in fact, situations are different. Situations may be different in different States, and I can see no problem in the method of display being different. Not only on this issue but across the board, I think that sometimes too much emphasis is placed on uniformity. There certainly can be situations where it is desirable, but in a Federal country it is perfectly legitimate to take into account different situations and this certainly applies in the United States of America.

The Attorney indicated that there are some developments occurring at the national level which render it undesirable to pass this Bill at this stage. I am sick of waiting for things to be done on a national level. I say that we pass this Bill now and, if we see fit, we can

amend the resulting Act if and when there is national recommendation, in the same way as we can amend the present Act if this happens. The Attorney said that he suspected that small businesses have not been consulted. On the contrary, I believe that the Hon. Bernice Pfitzner consulted widely and had little adverse response, but she can give the details of this when she responds. I support the second reading.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Transport Development) obtained leave and introduced a Bill for an Act to amend the State Transport Authority Act 1974. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

This Bill introduces several amendments to the State Transport Authority Act, concerning legislation to combat the phenomenon of 'graffiti vandalism'. It is not suggested that legislation alone can solve this complex social problem. However, it should be seen as one further initiative in an effort to do so.

The State Transport Authority currently uses a number of strategies to deter this type of vandalism such as sophisticated electronic surveillance equipment, security patrols, high grade security fencing, Transit Watch and the conducting of Youth Education Programs by the Transit Police Division.

All of these initiatives help deter graffiti vandalism. However, there remains a hard core element of an estimated 200-300 teenagers who have shown considerable resolve in defacing State Transport Authority property. Many are known to Transit Police and are often suspected of carrying graffiti implements but under present legislation the investigation of such suspicions is difficult and often impossible.

The intention of this legislation is to deter graffiti vandals from having in their possession graffiti implements whilst they are on State Transport Authority property or vehicles and to facilitate this end it enables authorised officers to search the clothing and baggage of suspect persons.

Under the proposed amendment, an authorised officer must have 'reasonable cause to suspect' that a person is carrying a graffiti implement before conducting a search. This ensures that ordinary passengers going about their legitimate business will not be affected.

In addition, proper training regarding the full implications of this proposed legislation will be conducted by the South Australian police managers and supervisors of the Transit Police Division to ensure that infringements of civil liberties and harassment of any kind does not occur.

It is envisaged that the effect of this legislation will be to significantly reduce graffiti vandalism on State Transport Authority vehicles and property which in turn will reduce costs incurred by the authority for reparation.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends section 4 of the Act by inserting definitions of 'graffiti implement' and 'mark graffiti'.

Clause 4 replaces the current section 25 with new sections 25 and 25a.

Section 25 (1) restates the offence of damaging or defacing property of the authority contained in current section 25 (1) and makes specific reference to marking graffiti.

The penalty for the offence of damaging, or marking graffiti on, authority property is increased from a division 9 fine ($500) to division 7 fine ($2 000) or division 7 imprisonment (six months) or both.

Section 25 (2) repeats the terms of current section 25 (2).

Section 25 (3) creates two offences: possession without lawful excuse of a graffiti implement of a prescribed class while on a premises or vehicle of the authority and possession of a graffiti implement with the intention of using it to mark graffiti on any property of the authority.

Both offences are punishable by a division 7 fine ($2 000) or division 7 (six months) imprisonment or both.

Section 25 (4) defines the term 'property of the authority' to mean, for the purposes of section 25, the authority's land, premises or structures, vehicles or any object owned by the authority.

Section 25a (1) allows an authorised officer to search a person's clothing or baggage for a graffiti implement and to seize such an implement where the authorised officer has reasonable cause to suspect that the person has used or is in possession of the implement in contravention of the Act.

Subsection (2) provides for the forfeiture to the Crown of a seized graffiti implement where the person is subsequently found guilty of an offence involving the use or possession of that implement.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY (AUTHORISED OFFICERS) AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Transport Development) obtained leave and introduced a Bill for an Act to amend the State Transport Authority Act 1974. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

This Bill introduces several amendments to the State Transport Authority Act 1974 to allow Transit Officers additional powers to assist them in the execution of their duty on STA property and vehicles.

Members will be aware that following a series of complaints and concerns relating to the safety of STA passengers and staff when working some trains, the Government and the STA decided to replace guards on trains with Transit Officers. Transit Officers are fully trained in all aspects of passenger safety.

Transit Officers currently derive their powers both from the regulations under the Act as 'authorised persons' and from section 76 of the Summary Offences Act. However, Transit Officers do not have police powers and are at present limited in their effectiveness to police the transport system, which in effect, is a public place

and attracts similar offences by certain elements of society as any other public place.

A number of offences outside of the scope of the State Transport Authority Act 1974 are presently committed on State Transport Authority vehicles and property; for example, the possession and consumption of alcohol by minors, carrying offensive weapons, etc. These offences do not fall within the present available powers of a Transit Officer and require the attention of the police which may not be readily available due to the limited numbers of members of the Police Force in the Transit Squad.

Accordingly, the Bill proposes to confirm certain special powers on authorised officers who would be designated Transit Officers by administrative instruction. In particular, these powers relate to the ability of an officer to detain an offender in appropriate cases. The officer would be required to inform a member of the Police Force if a power of detention was exercised and to deliver the offender to the police at the earliest opportunity. Administrative guidelines and training provided by the South Australian Police Department would apply to ensure that this power was only exercised in appropriate cases.

The Bill also provides the power for a Transit Officer to demand the name, address and age, if applicable, of persons found committing offences that are outside of the scope of the STA Act on STA vehicles and property.

Although Transit Officers are supervised by members of the Police Force, the Bill provides specifically that they must comply with any lawful direction of a police officer in the execution of his or her duties. This reinforces the supervisory role of the police. In addition, proper training regarding the full implications of this proposed legislation will be conducted by the South Australian police managers and supervisors of the Transit Police Division to ensure that no infringement of civil liberties or harassment of any kind occurs.

In the preparation of this Bill, the STA held discussions with the South Australian Police Department and officers from Crown Law and Parliamentary Counsel's Office to determine the most effective way of increasing the powers of Transit Officers while specifically confining their powers to the transport system, and ensuring their day-to-day supervision by members of the Police Force seconded to the Transit Squad. Agreement was reached by all parties that the proposals in this Bill meet those criteria.

The predominant union in the Transit Squad (the Australian Services Union) has recently indicated, by resolution of its members, support for the State Transport Authority and the South Australian Police Department in the administration of the Transit Squad.

There will be no increase in staffing or cost on the STA side, but the community will benefit from the additional assistance to the Police Department in its effort to maintain law and order on the transport system. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides that a new definition of 'authorised officer' meaning a person authorised by the State Transport Authority to exercise the powers of an authorised officer under this Act is inserted in section 4 of the principal Act.

Clause 3 provides that a new Part IVA entitled 'Authorised Officers' (comprising two proposed clauses) be inserted after section 23 of the principal Act.

Proposed clause 23a (1) provides that where an authorised officer has reasonable cause to suspect that a person is committing, or has committed, an offence on, or in relation to, the system of public transport service or any property of the State Transport Authority, the authorised officer may require that person to state in full his or her name, address and date of birth and, if the officer considers that it is appropriate in the circumstances, apprehend that person.

Proposed clause 23a (2) provides that where an authorised officer has reasonable cause to suspect that a name, address or date of birth as stated in response to a requirement under proposed subsection (1) is false, the officer may require the person making the statement to produce evidence of the correctness of the name, address or date of birth as stated.

Proposed clause 23a (3) provides that a person who refuses or fails, without reasonable excuse, to comply with a requirement under proposed subsection (1) or (2), or in response to a requirement under proposed subsection (1) or (2) states a name, address or date of birth that is false, or who produces false evidence of his or her name, address or date of birth, is guilty of an offence. The penalty for an offence under this clause is a division 8 fine ($1 000).

Proposed clause 23a (4) provides that where an authorised officer has apprehended a person under this section, the officer must immediately inform a member of the Police Force of the apprehension and the circumstances surrounding the apprehension and, as soon as practicable, deliver the person into the custody of a member of the Police Force or the member of the Police Force in charge of the nearest police station.

Proposed clause 23a (5) defines 'nearest police station', in relation to a person apprehended by an authorised officer under this section.

Proposed clause 23b provides that an authorised officer must, where a member of the Police Force is acting in the course of his or her duty, comply with the direction of the member of the Police Force in respect of the apprehension of a person or any other matter. The penalty for not complying with this provision is a division 9 fine ($500).

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

APPROPRIATION BILL

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

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

That this Bill be now read a second time.

On 27 August 1992 I tabled the 1992-93 budget papers. Those papers detail the essential features of the State's financial position, the status of the State's major financial institutions, the budget objectives, revenue measures and major items of expenditure included under the Appropriation Bill. I refer all members to those documents, including the budget speech 1992-93, for a detailed explanation of the Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the Bill to operate retrospectively to July 1992. Until the Bill is passed, expenditure is financed from appropriation authority provided by Supply Acts.

Clause 3 provides a definition of Supply Act.

Clause 4 provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that appropriation authority provided by Supply Acts is superseded by this Bill.

Clause 5 provides authority for the Treasurer to issue and apply money from the Hospital Fund for the provision of facilities in public hospitals.

Clause 6 makes it clear that appropriation authority provided by this Bill is additional to authority provided by this Bill is additional to authority provided in other Acts of Parliament (except, of course, in Supply Acts).

Clause 7 sets a limit of $50 million on the amount which the Government may borrow by way of overdraft in 1992-93.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

ADJOURNMENT

At 6.21 p.m. the Council adjourned until Thursday 15 October at 2.15 p.m.