LEGISLATIVE COUNCIL

Wednesday 26 February 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.F. STEFANI: On behalf of the Hon. R.D. Lawson, I bring up the twelfth report of the Legislative Review Committee and move:

That the report be read.

Motion carried.

The Hon. J.F. STEFANI: On behalf of the Hon. R.D. Lawson, I bring up the thirteenth report of the committee.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. L.H. DAVIS: I bring up the report of the Statutory Authorities Review Committee on Review of the Legal Services Commission (Part 2) and move:

That the report be printed.

Motion carried.

UNIVERSITY OF SOUTH AUSTRALIA

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement made by the Minister for Employment, Training and Further Education in another place on the subject of the University of South Australia campuses.

Leave granted.

MINNIPA RESEARCH CENTRE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place on the subject of the Minnipa Research Centre.

Leave granted.

QUESTION TIME

COMPUTERS, SUBSIDY SCHEME

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about computer costs.

Leave granted.

The Hon. CAROLYN PICKLES: Schools have been told that they can only access subsidies for computers, including an Apple for $1 982 and a Pentium for $1 961, if they purchase from DECS preferred suppliers. The Minister announced that this was a good deal and that it would save schools up to 30 per cent on the cost of computers.

The Opposition has received a quotation from a local computer supplier to provide the same Pentium computer with a superior CD-ROM drive and with warranties at $366 per unit below that announced by the Minister. My questions to the Minister are:

1. Who advised the Minister that schools would save 30 per cent by purchasing from the Government's preferred suppliers, and on what basis was that claim made?

2. Why is the Minister making schools pay up to $366 per unit more for a computer to obtain the Government subsidy?

3. Were schools instructed to keep the prices that they were being offered confidential to avoid criticism of the negotiated price?

The Hon. R.I. LUCAS: If schools do not want to purchase through the Government's preferred supplier arrangements they have complete freedom not to do so. They can continue to purchase if they wish. I indicated yesterday that the preferred supplier arrangements are linked with the subsidy arrangement from the Government, but if schools wish to purchase from other suppliers they are entitled to do so. As a result of the Government's having negotiated a whole of State contract for some 10 000 computers, we are now finding a whole range of people, who have never done so previously, claiming to be able to provide superior service and warranties, superior delivery and at superior costs when, at no prior stage, have they been able to—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I have the names. When one asks these individual suppliers whether they will provide that computer at the same price with no extra charges for delivery across the whole of the State, the answer is, 'No.' When one asks some of these suppliers whether they manufacture to the AS 9000 standard in terms of quality control for schools, the answer from virtually all of them is, 'No.'

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We will see. I will be interested in the response from the honourable member tomorrow in relation to this issue. It is critical that schools have a quality product which is not susceptible to frequent breakdowns. The most frequent complaint we have had from schools in recent years is that they have a dog's breakfast of computers—all sorts of shapes and sizes. Clones are being used and, in some cases, cheaper overseas parts are used in relation to the cloning arrangements of some of the computers. The critical question for schools is who will provide the service for these computers once they are in the schools. The deal provides a three year warranty—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —for what is the virtual equivalent of 24-hour—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I suspect that all the interjectors are considered to be know-alls, too. They would be wise to sit and listen to the answer because—

Members interjecting:

The PRESIDENT: Order! The question was asked in silence and I request that the answer be heard likewise.

The Hon. R.I. LUCAS: Thank you, Mr President. Under the contract that has been negotiated, in at least 90 per cent of cases or incidents there must be the virtual equivalent of 24-hour service turnaround, wherever the school is. In the metropolitan area, within four working hours, a technician must be working on site to repair the broken down computer. In at least 10 regional communities—

Members interjecting:

The Hon. R.I. LUCAS: It is extraordinary that every time something good is done for Government schools, the

Hon. Mike Elliott and the Hon. Carolyn Pickles attack those schools and run them down. Indeed, they seem to run down everything the Government does. They have to attack it. The Hon. Mr Elliott and the Hon. Carolyn Pickles are not prepared to acknowledge anything. Even though this project has been warmly embraced by parents, principals and teachers within schools, neither the Hon. Mr Elliott nor the Hon. Carolyn Pickles is satisfied that this Government is spending up to $15 million this year on computers when the Labor Government spent $360 000 in all schools in one year. Nothing will satisfy the Hon. Mr Elliott. We know that, so we have given up on him, and nothing will satisfy the Hon. Ms Pickles, so we have given up on her, as well. A move from the Deputy Leader of the Democrats to take over would be a sight for sore eyes. At least on occasions the Deputy Leader can be sensible and reasonable on issues. Sadly—

The Hon. L.H. Davis: Whom are you talking about? Ron Roberts or Sandra Kanck?

The Hon. R.I. LUCAS: Sandra Kanck. I couldn't say that about the Hon. Ron Roberts. There is no hope for the Labor Party.

Members interjecting:

The PRESIDENT: Order! The Minister should get back to the subject.

The Hon. R.I. LUCAS: Thank you, Mr President. The service requirement in relation to 10 regional communities is that, within eight working hours, a technician must be working on the repair of a broken down computer. For schools that are in areas more than 100 kilometres from these regional servicing centres, a replacement computer must be sent through the courier system to the school to replace the broken down computer which is then sent in for repair.

That degree of service has never been offered to our Government schools in South Australia at the cost that has been negotiated. It is not just the purchase cost. It is a delivery cost wherever it happens to be in South Australia. Although this is no direct criticism of them, in relation to city retailers the question has been asked, 'Is that quote also valid for a school at Ceduna or at Mount Gambier?'

Of course, the Hon. Carolyn Pickles and the Hon. Michael Elliott do not worry about country or regional schools. They say, 'It is all right to negotiate something at a cheaper price for a city school, but do not worry about Ceduna, Swan Reach or Mount Gambier. Don't worry about regional communities.' The Government has negotiated a deal which provides the computers at a cost which is common to both city and regional communities. This Government is prepared to stick up for regional communities in terms of providing computers to the schools at a common price.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: You speak to the schools. Are you the shadow Minister? What did you provide to the schools? You told them to count on their fingers. You said, 'Go away, count on your fingers; you do not need computers in Government schools. Leave it to the non-government schools; let the non-government schools have the computers.' You would not give them anything. You were Chair of the education committee; you advised the Minister for Education; and you would not let them have any computers at all. For the first time, this Government is putting $15 million into computer purchase, infrastructure and technology within Government schools.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I don't know which kitty you're talking about but, if $20 million is lying around somewhere, you had better highlight it for me. We are looking at a whole of government contract which takes into account the interests of country, remote and regional schools. It is easy for the Leader of the Opposition to stick up for city schools—supported by the Hon. Mr Elliott—and not worry about those regional schools or the price that they have to pay for delivery costs and for the servicing cost of their computers. It is a good deal for Government schools. In response to the last part of the question, as we have indicated before, retail outlets advertised these computers, prior to our announcing our deal, at prices between $2 500 and $3 000 per computer. That advice came both from the Department for Education and Children's Services and the Department for Information Industries.

The Hon. A.J. REDFORD: As a supplementary question, did the Minister receive any constructive suggestions on the topic of computers in schools leading up to the recent decision that he announced?

The Hon. R.I. LUCAS: We certainly never get any constructive suggestions either from the Labor Party or the Australian Democrats, in this Chamber or elsewhere, in relation to areas of information technology. All we get, as the Hon. Mr Redford will well know—and I suspect it might be the import of his question—is constant negative criticism. It is knock, knock, knock from the Leader of the Opposition. Of course, the Hon. Mr Elliott has never supported anything the Liberal Government has done in the 3¼ years it has been in power. I refer not just to education but to any development matter or, indeed, anything that has been put by the Government. Sadly, the people of South Australia are left with an Opposition and a pseudo Opposition in the Australian Democrats that are never positive, never prepared to support even the smallest thing that the Government does and are only ever interested—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: We were a very positive Opposition. I point out that 60 per cent of people in South Australia at the last election voted for a Liberal Government because of the constructive way the Liberal Opposition went about opposition. You might go back to those Opposition days to look at an appropriate role model for the way the Opposition ought conduct itself.

AQUACULTURE

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about aquaculture technology at Export Park on the site of the old Port Adelaide Flower Farm.

Leave granted.

The Hon. R.R. ROBERTS: Recently, I was sent some literature on a project called Aquaculture Technology Export Park, including a copy of an article from the *Advertiser* of 12 October 1996 indicating support. Attention was also drawn to some advertisements in a Sydney newspaper printed in the Chinese language, *Sing Tao,* in respect of a project that is being mooted for the old flower farm at Port Adelaide. I do not expect the Minister to answer my questions today, although I am happy if he will pass them on. Between 1990 and 1994 the South Australian Government tried to promote the development of barramundi farming in South Australia by supporting and assisting two companies set up by Mr Johan Don. Apparently, the initial aim was to establish a

number of commercial barramundi farms in Australia's first commercial land-based aquaculture operation at Kangarilla.

This was then supposed to provide a base from which to sell the technology elsewhere in Australia and overseas, a scenario that we have heard regularly. The Government assisted Mr Don's companies (West Beach Aquaculture Pty Limited and Malbrink Pty Limited) with soft loans from the Economic Development Authority of nearly $500 000, and by providing a hatchery/nursery at West Beach with land at a nominal rent, a free water supply and a range of technical support from the adjacent PISA and SARDI facilities. Government support for the project was obvious in many ways. For example, Mr Don was appointed Chairman of the Aquaculture Integrated Management Committee and was an important factor in encouraging investors to purchase the farms at Kangarilla.

By the time they collapsed in 1994, Mr Don's companies succeeded in completing a rudimentary hatchery/nursery at West Beach and three farms at Kangarilla. One farm was also built in New South Wales, with two more left incomplete at Kangarilla. The companies then went into voluntary administration and subsequently into schemes of company arrangement, under which most of their numerous creditors received only 10¢ in the dollar and the loans from the EDA were transferred to another company and deferred. It is unclear where they are going at present. Since September 1994, other companies associated with Mr Don have built one farm in each of Queensland and Taiwan and completed one of the two unfinished farms at Kangarilla. I cannot speak for the farm in Taiwan, but those in Australia have experienced numerous difficulties because of their poor design and alleged shoddy construction, which have required their owners to spend considerable amounts to modify them and meet very high maintenance and repair costs.

Even so, the farms appear to be at best marginally profitable and incapable of meeting the annual production quota of 20 tonnes that was originally claimed by the proposer. These difficulties were compounded by the inability of the hatchery/nursery at West Beach to supply anywhere near the promised numbers of barramundi fingerlings. Another company associated with Mr Don now proposes to build 20 farms at Outer Harbor. While they are the same size as the earlier farms, they are claimed to be of an improved design and able to produce 25 tonnes per annum of various fish species, including barramundi. They are being particularly targeted at the Chinese-speaking community both in Australia and overseas, as shown by the attached advertisement (which I am prepared to provide to the Minister and which we have had interpreted) that appeared in *Sing Tao*, a Sydney-based newspaper that apparently has an Australia-wide and overseas readership.

The price of each farm has increased to $550 000. The scheme has some apparent failures. If there really is an improved design it has not been tested, and none of the existing farms produces 20 tonnes, let alone 25 tonnes. The existing farms are at best marginally profitable, so it is most unlikely that a similar farm could be profitable even if the investment were not $300 000 more. Production of barramundi in Australia is growing at quite a fast rate, and I am advised that a glut could develop.

As with Mr Don's earlier scheme, much has been made of the South Australian Government's support for it. It has apparently obtained all necessary permits and approvals, including from the Development Assessment Commission. However, this process does not concern itself with the scheme's commercial viability, and there is no indication that any Government agency has seriously studied the commercial viability. But the Government is at least allowing the very strong impression to be given that it vouches for the scheme, and that shows up in the advertisements. There may be some excuse for the Government's support for Mr Don's first project, though even it could have been more thorough in investigating his activities in other countries and the reasons why the German company that developed the technology had given it away. I thank the Council for its patience. My questions to the Attorney-General are:

1. Is it true that the Government supports the proposal for an aquaculture development on the old flower farm site at Outer Harbor called Aquaculture Technology Export Park? Has the Government promised any financial support to the scheme? Are the developers paying the MFP for the land and, if so, how much?

2. Is he aware that the Government supported an earlier aquaculture venture at West Beach and Kangarilla by Mr Johan Don, who is also the main promoter of the Outer Harbor scheme, and that the companies involved in that scheme collapsed, leaving substantial amounts owing to creditors and the Economic Development Authority?

3. Is he aware that none of the other fish farms built by Mr Don's companies has achieved anywhere near the levels of production and profitability claimed for the scheme?

4. Is he aware that this scheme is now being promoted, particularly to the Chinese community in Australia and overseas, on the basis that it is supported by the Australian Government? It is also being supported on the basis that it will require extra points for business migration.

5. Has the South Australian Government given or implied any guarantees to investors in this scheme? Is there any likelihood that investors could claim damages from the Government if they do not receive the returns on their investments that have been promised by promoters? I am prepared to give all this information to the Attorney-General.

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

PATAWALONGA

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Housing and Urban Development a question about the Patawalonga clean up.

Leave granted.

The Hon. T.G. ROBERTS: I have asked a number of questions in this Council of the Minister in relation to the clean up of the Patawalonga. Certainly, a lot of local government officials are starting to ask the same questions, and a number of residents in the West Beach and Glenelg areas are now starting to question the preferred project that the Government has picked up to clean up the Patawalonga. An article in today's *Advertiser* headed 'Crumbling creek worries golfers' points out that the banks of the Patawalonga creek, which is being used as one method of diverting water while the Patawalonga is being cleaned up, are starting to collapse—although that is not the major problem. The major problem, according to people in that area and upstream, is the failure of the system that has been devised to keep out floating material such as debris, dog faeces, and a lot of other—

The Hon. A.J. Redford: Golf balls!

The Hon. T.G. ROBERTS: I have not seen too many of them in the Patawalonga. You would have to have a very bad slice or hook to hit them into the Pat. Perhaps the honourable member has been down there on the driving range hitting a few wild ones. The Patawalonga golf course has been interfered with by the project, but in most cases people are prepared to pay that price if they can see that the project will be successful. Unfortunately for the Government and the Ministers involved, after each heavy rainfall the urban run-off goes back into the Patawalonga and it turns black and the debris remains. In her article, the reporter, Regina Titelius, made some statements in relation to an interview that she did with a Matthew Saliba, who was playing golf at the time. Mr Saliba asked some questions that I believe need answering, and I will be asking, via the Minister, some of the same questions that Mr Saliba asked. My questions to the Minister are:

1. In respect of the delay in the project, are funds available to finish the Patawalonga clean up—one question asked by this particular golfer?

2. Will the Government be supporting an open-cut channel through the West Beach sandhills, which is one profile that has been put as a—

The Hon. M.J. Elliott: Not until after the election.

The Hon. T.G. ROBERTS: 'Not until after the election.' That is probably a reasonable interjection by the Hon. Mr Elliott. My questions continue:

3. Is there a risk of flooding near Burbridge Road—a question asked, in part, in this article?

4. Will the Patawalonga be silted up by upstream erosion as a result of the collapse of some stream banks?

5. When will the Premier have his cholera and hepatitis shots and swim in the Patawalonga, as he seems to be promising but is avoiding?

The Hon. R.I. LUCAS: I shall be pleased to refer those questions to my colleague in another place and bring back a reply.

ROYAL ADELAIDE HOSPITAL

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services (in the absence of the Minister for Transport), representing the Minister for Health, a question about the capacity of the Royal Adelaide Hospital to remain a first-class teaching hospital.

Leave granted.

The Hon. SANDRA KANCK: This morning my office was the source of a media release that led to news bulletins carrying reports of a patient at the Royal Adelaide Hospital experiencing Dickensian-like conditions. I will paraphrase the letter which was sent to me by the patient and which formed the basis of my media release. Following diagnosis for blood clots in her legs, this woman was taken to the Royal Adelaide Hospital, arriving at about 4 p.m. After a 6½ half hour wait in casualty, she was taken into a ward containing, amongst others, a very old woman who kept wandering away from her bed, virtually naked, and covered in faeces; a woman in a vegetative state; and another woman who would yell for a commode and, if it did not come quickly enough, the bed and floor would soon be filthy. The nursing staff had to continually clean up after these women.

From adjoining wards, old men would wander in to enjoy the spectacle, and there was a constant plea of, 'Help me; please help me,' which could be heard for between 18 and 20 hours a day. The nursing staff were not psychiatrically trained and were clearly stressed by the situation. Those details raise serious questions about cutbacks to specialist health services and staffing levels at the RAH, but other serious issues, such as those which I have just described, flow from the conditions.

Medical and nursing staff have informed my office that there is a growing trend amongst patients who have private health care, who enter via Emergency, to transfer from the RAH at the first available opportunity to private hospitals. This outflow of patients reduces the range of medical conditions being treated in the RAH and, in turn, diminishes the quality of instruction that medical students receive on the rounds in the wards.

Great teaching hospitals require a range of medical conditions to be available for study and instruction. Anything that diminishes the range diminishes the teaching hospital's stature. Morale is another important factor in creating a productive learning environment.

My office has been informed that, as a consequence of reduced staff and conditions such as I have described, morale amongst the nursing staff is at rock bottom and that nurses with the greatest amount of experience are leaving the RAH, preferring to work in private hospitals. My questions to the Minister are:

1. How many patients with private medical cover transferred from the RAH to other hospitals within the first week of their being admitted to the RAH during 1996, and what were the figures for 1995, 1994, 1993, 1992 and 1991?

2. How many nursing staff transferred from the RAH to other medical facilities during 1996, and what were the figures for 1995, 1994, 1993, 1992 and 1991?

3. Is the range of cases available for medical students to observe and study at RAH diminishing? If so, does the Minister consider that this detracts from the stature of RAH as a teaching hospital?

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

The PRESIDENT: I inform members that it is not acceptable to exchange comments between them when a Minister is replying to a question.

YOUTH SUICIDE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about the high rate of suicides.

Leave granted

The Hon. BERNICE PFITZNER: I note in Tuesday's *Advertiser* an article entitled '35 per cent of students considered suicide', and, as the researcher says, that is a startling statistic. This piece of research was done on New South Wales university students by the university's general practitioner. He stated that students complained mainly of stress, anxiety or depression, that 10 per cent considered suicide seriously and that the rest had considered it nevertheless.

The rate of suicide in the general population is only 1 to 2 per cent. There is also a slightly higher female preponderance in those who have contemplated suicide. The reasons given for this high rate for those who had contemplated suicide indicated the following contributing factors: first, home sickness; secondly, lack of exercise and proper diet; thirdly, lack of support network; fourthly, changes in methods

of university assessment, that is, continuous assessment throughout the year rather than the previous method of end of year assessment only; and, finally, poor economic state. My questions to the Minister are:

1. Do we have any facts and figures on our own university students as to their rates?

2. If we do not have any figures, in view of the New South Wales results, will the Minister look into obtaining some statistics to establish our university students' rates?

3. If our suicide rates are also as unacceptably high as those in New South Wales, will the Minister implement a program for university students to address this problem?

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

SMALL BUSINESS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Premier a question about the treatment of small business inquiries by the Premier's Office.

Leave granted.

The Hon. T.G. CAMERON: I have been contacted by Ms Andrea Johns, a small business woman who is extremely disappointed over the treatment she recently received from the Premier's Office over the matter of a small business loan. Ms Johns was seeking advice on obtaining a loan to expand her soft furnishing small business, which has been operating successfully for two years. Ms Johns had thousands of dollars in orders waiting to be filled and needed the loan to expand to larger premises and upgrade equipment. Ms Johns had previously tried the Business Centre, where she was informed that she was ineligible for a loan but that if she had been unemployed for 12 months she would have qualified for a $5 000 loan to help her start up a small business.

Undeterred, and following the Premier's December 1996 promise that the Government intended to rejuvenate small business, she decided to contact the Premier's Office. Ms Johns informed the Premier's Office of her predicament and was shocked when she was abruptly told by a staffer in no uncertain terms, 'We don't give handouts.' Ms Johns was extremely offended by these remarks, as she was not looking for a handout but was simply looking for advice on how to obtain a loan for her business. Finding both the Premier's Office and the Business Centre to be of little or no help, Ms Johns contacted my office to complain about the run-around she was receiving.

I must state that in his media release of 13 December 1996, the Premier stated:

> The State Government is committed to revitalising and changing the small business culture in this State. We are committed to encouraging women in small business.

My questions to the Minister are:

1. Is it now Government policy for the Premier's staff to assist small business people by handing out nuggets of wisdom such as 'We don't give handouts' when answering inquiries?

2. How does Ms Johns' treatment by the Premier's Office fit in with the Government's supposed commitment to revitalising and changing the small business culture in this State?

3. If the Premier's Office is rude and unhelpful to simple inquiries such as this, why should any small business person in this State believe the Government when it claims that it is committed to small business?

4. Will the Premier order an investigation into Ms Johns' treatment by his office, and will Ms Johns receive an apology?

Members interjecting:

The Hon. T.G. CAMERON: Wouldn't you want to know if your staff were being rude to people when they called?

The PRESIDENT: Order! The honourable member has had a fair go, and I have been very lenient. There was a lot of comment in that question.

The Hon. R.I. LUCAS: If the claims being made by the Hon. Mr Cameron are true, the Premier would be concerned, as would all members, that someone with a genuine inquiry was treated discourteously by any member of staff. I say advisedly that, if the claim is true, the Premier, and indeed all members, would be concerned by that issue. I will be happy to raise the issue with the Premier and bring back a reply for the honourable member as soon as I can.

The Hon. T. CROTHERS: I wish to ask a supplementary question, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: If the claim as alleged is found to be true, will the Premier also ensure that the treatment that would then follow in dealing with this constituent's claim is as even-handed as it would have been had she not brought the question to this Parliament?

The Hon. R.I. LUCAS: That goes without saying. Our Premier is very even-handed in relation to these issues, and justice will be seen to be done.

LABOR PARTY POLICY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Leader of the Government in this place a question about ALP policy development.

Leave granted.

The Hon. A.J. REDFORD: In last week's *Messenger* press an article entitled 'Hull bows out of Labor politics' reported:

> Vocal Labor Party member Bruce Hull has quit the Party, citing factional in-fighting and scant regard for local government.

The article also states that Mr Hull ended a 12-year membership in which he served on the ALP State Council and as Secretary of the Elder sub-branch. He was well known to the Hon. Mr Holloway, whom I congratulate on his recent elevation to the front bench, in the inevitable drive to the leadership of the ALP in this place. The article further states:

> Mr Hull, also a Marion councillor, says he is disenchanted with the Party and no longer wants to be branded a 'Labor stooge'.

The article goes on to quote him as saying:

> 'The Labor Party pays little attention to local government, which is shown by the fact that it does not seek to get involved. It really shows that it treats it as a sphere of government that's unimportant.' Mr Hull was voted Labor's Local Government Policy Advisory Committee Chairman last year, but poor attendances saw the group disband only a few months later.

The article further states:

> But Mr Hull says he often opposed the Party line, and in recent months has been in opposition to fellow councillor and Labor Mitchell candidate Kris Hanna on quite a few issues.

In the light of that, my questions are as follows.

1. Has the Minister any concerns about the ALP approach to local government as reported in the paper?

2. Does the Minister have any confidence in the ALP policy development process, given the poor attendance at the Local Government Policy Advisory Committee?

3. Will the Minister (and here is the sting) make inquiries—

Members interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron should listen.

The Hon. A.J. REDFORD: —as to what differences there have been between the Leader of the Opposition's research officer and the former branch secretary from the Hon. Paul Holloway's old seat?

The Hon. R.I. LUCAS: The Hon. Mr Redford's explanation probably explains a lot, having heard that explanation of the policy development within the Labor Party. For some time colleagues sitting behind me (the Hon. Legh Davis and others) have been saying, 'Where are these policies from the Labor Party?' The explanation has just been given by the Hon. Angus Redford quoting Mr Hull. The simple answer is that through lack of interest the policy committees are being disbanded; no-one is turning up.

The Hon. T.G. Roberts: They went to the wrong address.

The Hon. R.I. LUCAS: Wrong faction. It is not the Hon. Terry Roberts's faction, I understand.

The Hon. L.H. Davis: I think they've taken the PR policy.

The Hon. R.I. LUCAS: I will not respond to that interjection by my colleague the Hon. Legh Davis, which I thought was very apt. That explains the difficulty the Labor Party has being in Opposition. We have talked about the negativism of the Labor Party in Opposition and its not being prepared to come up with anything constructive. To be fair to the Labor Party, if everyone is resigning from its policy committees and they are not turning up, no wonder it is not in a position to be able to develop policies. Clearly, when one looks at the capacity of shadow Ministers such as the Hon. Ron Roberts, one would not be relying on him to develop policy to take your Party into a four year period of Government. The Labor Party would be hoping that there was someone within its membership who might be able to come up with a germ of an idea occasionally to assist the shadow Ministers on the front bench.

The other interesting point from Mr Hull's comments—and he is obviously most disaffected with the Labor Party and with the factionalism he has singled out (it is certainly not the Hon. Angus Redford who is singling it out)—is that he has some significant problems with the Labor candidate for Mitchell who, Mr Hull believes, is just another tired factional hack trotted out by the Labor Party. It is a combination of tired factional hacks or industrial advocates and secretaries from the trade union movement who win preselection for the Labor Party these days. Certainly now is not the appropriate time but perhaps at another time one might be able to go through the background of the preselected candidates for the Labor Party for the coming election—those who are remaining, anyway, unlike Mr Butler who has resigned—to demonstrate that, as I said, they are either secretaries, industrial advocates or workers for the trade union movement or retired factional hacks from the Labor Party.

The Hon. Angus Redford has asked a most interesting question. If I can make any further inquiries in relation to the problems between the endorsed Labor candidate for Mitchell and Mr Hull and provide any further information to members of the Chamber, I will be delighted to do so. Obviously, I will take some advice from the Leader of the Opposition and the Hon. Paul Holloway in relation to the issue to see whether we can share any further information with honourable members.

COURTS, BROADCASTING OF TRIALS

In reply to **Hon. R.D. LAWSON** (5 February 1997).

The Hon. K.T. GRIFFIN: The trial broadcast during ABC Radio National's *Law Report* was recorded under guidelines agreed between the Chief Justice and Radio National. The guidelines were also approved by the Chief Judge of the District Court.

In summary, the guidelines provided that the presiding judicial officer retained complete discretion as to the recording of the case, and had full control over the persons involved in the recording. The presiding judicial officer could at any time direct that the recording stop temporarily or permanently. The entire case had to be recorded, to ensure that when the material was edited there was adequate material to provide a balanced coverage. A formal letter of request, in terms approved by the Chief Justice and the Chief Judge, had to be provided to the prosecution and the defence, explaining how the case would be recorded and for what purpose and offering appropriate assurances about the protection of privacy. Upon request by any party or any witness, names and identifying features relating to a witness were to be removed during editing. The parties had the right to be consulted during the editing process. The case was to be edited to not less than one half hour of material. As part of the editing, commentary could be inserted explaining legal terms and summarising material not included in the broadcast. The team producing the documentary was to include a legally qualified person to supervise the work. The trial judge was to be consulted during the editing process and the approval of the trial judge was required before the material was broadcast.

As far as I am aware, there was no cost to the Courts Administration Authority, other than the cost of the time spent in making the arrangements under which the recording proceeded, and in facilitating the setting up of the recording equipment.

LAWYERS, CONDUCT

In reply to **Hon. A.J. REDFORD** (13 February 1996).

The Hon. K.T. GRIFFIN: The prohibition on misleading and deceptive conduct in the Trade Practices Act is limited in its application to the Crown to Commonwealth business enterprises, acting in trade or commerce. The prohibition on misleading and deceptive conduct in the Fair Trading Act is limited to persons operating in trade or commerce. The Act is expressed to apply to the Crown.

The particular practices of the Federal Department of Immigration outlined by the honourable member (as alleged by Messrs Johnston Withers) would not be brought within the purview of the Trade Practices Act or the Fair Trading Act by a simple amendment which extended the degree to which the Crown was bound by the statute. This is because these Acts are predominantly directed to the eradication of unwanted practices 'in trade or commerce'.

An expansion in the operation of the Trade Practices Act, to extend the prohibition on misleading and deceptive conduct so that it have effect in situations like that raised by the honourable member, would probably have undesirable consequences. Extending the operation of the Trade Practices Act or the Fair Trading Act beyond the boundaries of trade or commerce could result in many dealings between different branches of government being laid open to charges or anti-competitive behaviour.

While nobody would seek to defend the behaviour of the department as reported by the honourable member, the difficulty is that the general application of the prohibition in policy areas and 'non-business' areas may tend to inhibit good government. I consider that the best remedy is that of bringing these matters to the public attention in the way that the honourable member has already done.

WATER AND SEWERAGE COSTS

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing some questions to the Minister for Education and Children's Services, representing the Minister for Infrastructure, on the subject of cost for the supply of water and sewerage to South Australian properties.

Leave granted.

The Hon. T. CROTHERS: Questions have been repeatedly put to me by South Australians concerning what is happening in this State about water supply and sewerage costs. They appear to me to be as bewildered as many of the State's MPs of all political persuasions to whom I talk from time to time. Various articles have appeared in the *Advertiser*, for instance, which, on the one hand, are critical of cost increases in this area, only to be denied some time later by Ministers making statements on the same subject matter. The old EWS Department over the past five or six years has shed some thousands of employees, yet, in spite of this reduction in the wages bill, costs for water and sewerage services continue to rise. For instance, the *Advertiser* of 15 February this year (page 1) published an article which stated that home owners will pay more in sewerage rates from as early as April of this year, the fourth price rise, it says, in four years. It further says that this will take the total increase since the present Government took office to 18 per cent.

The article then turns its attention to the supply of water and states that water prices also have increased three times in the past 2½ years, the latest taking effect from 1 January of this year. The article further takes issue with the State Government's claims that these rises are in line with inflation rates of about 3 per cent per year, whilst the calculations done by the paper show that an average four person household is paying 24 per cent more for water than in 1994 whilst, at the same time, the free water allowance of 136 kilolitres was abolished in 1995 and the threshold for the cheapest rate was dropped from 136 kilolitres to 125 kilolitres. So there you have it, Mr President, thousands of job cuts but still increases for these services are outstripping inflation.

To highlight these matters the newspaper article cites as an example the case of a Largs North resident, Mr Bruce Moffatt. Mr Moffatt's accounts show his four member household slashed its annual water usage by 26 000 litres over the past three years, but the quarterly cost has jumped 51 per cent from $29 per quarter in 1994 to $43.80 in 1996. He believed, likewise, that his quarterly sewerage bill has climbed 25 per cent from $66 a quarter in March 1994 to $83 a quarter in September 1996, despite the fact that the value of his house rose by only 6 per cent. At this point, I remind members that sewerage rates when set have a tie in with property values. The Minister for Infrastructure when approached on these matters said:

> What we're getting is better quality water and better services for the community and you have to pay for that; you can't do it for nothing.

He further said that this State service has added $98 million to the State budget in 1995-96. He said:

> This is money now available for use in health, education and capital works.

The electors of this State, I am told, cry in anguish about what has happened to this Government's user pays principle. Finally, it must be put on the record that when this Government privatised this State's water supply the then Minister stated that this would lead to cheaper water rates for South Australians, when, clearly, the *Advertiser* figures show the opposite to be the case. My questions to the Minister are as follows:

1. Why are water and sewerage users in this State being charged rates sufficient in the Minister's own words to subsidise health and education?

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: Tax by stealth.

2. Has the Government forgone the user pays principle?

3. When will water and sewerage rates start to decline in real terms as promised by this Government at the time of the privatisation of South Australia's water supply?

4. Is this taxation by stealth on the Government's part in order to avoid the more unpopular charges, if needed, in relation to health and education costs?

5. Will the Government now admit that increases to water and sewerage rates over the past three years far outweigh and exceed inflation?

The Hon. R.I. LUCAS: The Hon. Mr Crothers always tries to be an honourable man in terms of the questions that he raises in this Chamber, and I invite him to revisit the statements made by the then Minister. I do not have perfect recall of all the statements made by the Minister, but I would be surprised if the Minister indicated that water in 1997 would be cheaper than it was in 1994. I suspect what he might have said was that water would be cheaper than it otherwise would have been without the decisions that were taken by the Government, or he may well have paraphrased it in some other way. I remain to be convinced. I leave the invitation with the honourable member to do some research and to come back with—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers says that he has it already, so if he brings it across the Chamber to me after Question Time I would be delighted to look at it to see in what context he has quoted the former Minister for Infrastructure on this issue. I look forward to that correspondence or copies of those articles.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: No, not the question but the quotation that the honourable member indicated was made by the then Minister for Infrastructure, the Hon. John Olsen. I will refer the honourable member's questions and I will await his clippings, as well. It is important to point out that the Minister has indicated publicly on a number of occasions that there is a 1 per cent levy for the clean-up of the Murray-Darling Basin and I think that there is a 1¢ per kilolitre levy for all the new infrastructure projects for water filtration for the Adelaide Hills and some Murray River towns. They are two separate levies over and above the usual, run-of-the-mill sewerage and water charges from SA Water or the then EWS. As I said, I am working on memory. I will refer the honourable member's questions to the Minister and bring back a reply, but he must bear in mind both those factors, which would be over and above the normal CPI increase during the period 1994-97 to which he referred.

YOUTH ACTION PANELS

The Hon. R.D. LAWSON: I seek leave to make a brief statement before asking the Minister for Education and Children's Services a question about youth action panels.

Leave granted.

The Hon. R.D. LAWSON: The Australian Community Safety and Research Organisation recently circularised members with information about so-called youth action panels which are a form of school-based crime prevention programs. There are said to be over 800 of these operating across the United Kingdom, with crime prevention strategies including cycle property marking, anti-graffiti projects, and the like. The organisation claims to have introduced the concept into Australia with a program at the Bremer State High School in Queensland. It is claimed that the Queensland

Government is a supporter of youth action panels and that the Education Minister in that State has recommended the program to all State school principals. An extensive evaluation of the pilot programs conducted in Queensland State schools has been published. My questions are:

1. Is the Minister aware of the youth action panels?

2. Has he considered whether the programs could be usefully implemented in this State?

3. Is he prepared to investigate the concept of youth action panels put forward by the Australian Community Safety and Research Organisation?

The Hon. R.I. LUCAS: I confess that I am going on memory again in relation to the honourable member's question, but I recall some correspondence similar to that to which the honourable member has referred. If my recollection is correct, the view of the department and some other Government agencies that we consulted, in particular the crime prevention people associated with the Attorney-General's Department, was that the existing structures within our Government schools in South Australia probably meet many of the attractions purported to be associated with the youth action panels. I refer to our student representative councils or similar bodies that operate within Government schools.

A number of our student representative or kids own councils—they go under a variety of names—have comprehensive and effective anti-harassment or anti-bullying programs. They also look at trying to combat offences at the minor end of the range within Government schools and have proved to be pretty effective in terms of—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Did he? I am not sure that it was Jim. However, it has proved to be very effective. Over 200 schools in South Australia have School Watch programs which seek to bring together students, parents, teachers, staff and neighbours in programs to try to provide community oversight for what goes on within schools, both during school hours and after school hours. The School Watch program has proved to be pretty effective, as well. As I said, I am working off memory. I am prepared to take the honourable member's question on notice and bring back a more detailed response should I have not adequately covered it in the response that I have given this afternoon.

SELECT COMMITTEE ON ST JOHN (DISCHARGE OF TRUSTS) BILL

The Hon. K.T. GRIFFIN (Attorney-General): I bring up the report of the committee, together with minutes of proceedings and evidence, and move:

That the report be printed.

Motion carried.

MATTERS OF INTEREST

CARNEVALE

The Hon. P. NOCELLA: I rise to congratulate Dr Antonio Cocchiaro, President of the Italian Coordinating Committee, the members of his committee, the Italian associations, sponsors and supporters who contributed to the success of the Italian festival, known since last year as Carnevale in Adelaide. Carnevale was held in Rymill Park over the weekend of 8-9 February and attracted an estimated 50 000 revellers. Despite some initial misgivings, Rymill Park, which was the Carnevale's venue for the first time, turned out to be an absolutely ideal location, with its large tree-shaded areas, ease of access, central location in an idyllic setting, and its meandering path all contributing to the creation of a cosy, village-type atmosphere. It is hoped that the Carnevale in Adelaide has now found its permanent home.

The Italian Coordinating Committee must also be congratulated on striking a happy balance between local talent and contributions from Italy. Thanks to the generous sponsorship provided by the Lazio Region, the Campania Region and the Province of Salerno, ably coordinated by the Associazione Arte e Cultura through its Director, Luigi Caiola, the public were treated to a rich program of exhibitions and cultural events. In particular, the Cinecittá cinematographic exhibition from the 1930s and the artistic craftworks exhibition from the Lazio Region provided an insight into aspects of Italian culture which had not been seen in Adelaide before. In addition, the performances of renowned flautist Onorio Zaralli accompanied by the Adelaide Youth Chamber Orchestra, in a concert of eighteenth century Italian classical music, delighted those fortunate enough to have attended. Equally well received was the first ever performance in Australia of the operina *La Serva Padrona* by GB Pergolesi.

One of the musical highlights of the festival was the inspired merging of two groups—Anima Mediterranea from Salerno with popular South Australian group Flamenco Aire—which combined the passion of Neapolitan music with the fire and rhythms of flamenco. A number of equally successful performances and events preceded the final weekend and included the Commedia dell' Arte Masque exhibition by Jennifer Stannard, the Cinema in the Botanic Gardens, and the Baletta exhibition at Greenhill Galleries.

It was a happy coincidence, as the Italian Consul Dr Roberto Colaminé observed in his opening speech at Rymill Park, that contemporaneously with Carnevale in Adelaide the Australian Foreign Minister visited Italy to sign the joint declaration 'Australia and Italy into the twenty-first century'. This document, as the Consul pointed out, is an important first step towards close economic and cultural cooperation between Australia and Italy.

The final display of laser fireworks on the Sunday night signified the conclusion of this year's Carnevale which was filmed for the first time by RAI International (the Italian Broadcasting Agency) for a potential worldwide audience of millions. However, it is more in sorrow than in anger that I report the regrettable behaviour of the Hon. Julian Stefani who, in the lead-up to Carnevale, sought to politicise the overseas participation in this event, lending his name and his support to the now publicly discredited views of those who were seeking division, dissent and discord, when cooperation, assistance and a genuine desire to contribute would have been much more appropriate behaviour for the celebration of all things Italian which the community provided for all fellow South Australians.

CRIME TRENDS

The Hon. L.H. DAVIS: I refer to crime trends in South Australia. Recently, the Attorney-General tabled an information bulletin from the Office of Crime Statistics—a bulletin which, as it notes, aims to contribute to a better understanding of crime and crime trends in South Australia by providing statistics on all offences reported or becoming known to police in South Australia. In the introduction to this bulletin it observes that the incidence and nature of crime is a topic of particular concern to all communities because it impacts on people's sense of security and perceptions of personal safety. The media, in particular, often raises questions about whether crime is on the increase or whether offending is becoming more serious. However, to ensure that informed debate on these important issues can take place, access to the most accurate statistical information currently available is crucial.

We have all heard that the media thrives on bad crime statistics. Unfortunately—and not surprisingly—the details of this information bulletin have gone largely unreported in the media because it contains universally good news. Total offences reported or becoming known to police decreased 2.1 per cent from 1993 to 1995, down from 213 830 offences to 209 361 offences. Comparison with pre-1993 data is not possible because of changes in counting procedures. In terms of the type of offences reported to police, in 1995 about two-thirds of all offences reported were for offences against property. Offences against the person, excluding sexual assault, accounted for about 8 per cent, and sexual offences accounted for less than 1 per cent. Offences against good order accounted for 12.8 per cent; driving offences, 9.3 per cent; drug offences, 2.1 per cent; and robbery and extortion, .7 per cent.

In looking at types of offences against the person it revealed that in 1995 there were 22 murders. Again, contrary to popular belief, the number of murders reported per year from 1981 to 1995 reveals an upward trend during this period but, in fact, in 1995 the number of murders reported was much lower than 1994—although it was higher than the period between 1983 and 1990. In terms of offences against the person, excluding sexual offences, there was a fall. Major assaults, which have increased gradually since the early 1980s, decreased by 2 per cent between 1994-95, which is the first decrease recorded in six years; and minor assaults between 1994 and 1995 also recorded the first decrease in 11 years.

Because the counting rules with respect to sexual assaults have changed it is only possible to make comparisons over the last three years, but the 1995 figure for sexual offences was 13.1 per cent lower than that recorded in 1994 and 14.6 per cent lower than 1993. That included a decrease in both rapes and indecent assaults. The news with respect to robbery offences is the same in that in the past two years figures have decreased, from 1 691 in 1993 to 1 472 in 1995. This is the first period of decrease since the early 1980s. With armed robberies, which increased during the 1980s, the 1995 figure was encouraging—it was the lowest recorded since 1989.

Break and enter offences decreased by one-third from 1991 to 1995, possibly because of the increased use of security devices and the greater emphasis on community-based crime prevention initiatives such as Neighbourhood Watch. Offences against property, which increased steadily during the 1980s, have also reduced in recent years; and larceny of a motor vehicle has also decreased. Shop thefts are also down, as is stealing from a person. This good news is something to be applauded. I congratulate the Government on these initiatives.

MOUNT LOFTY SUMMIT

The Hon. M.J. ELLIOTT: I refer to the summit development at Mount Lofty. When I visited the summit last weekend I had the opportunity to take with me four visitors from overseas. It was my first chance to visit the site since completion of the development. Any fair-minded person would say that the development is far superior to that which was originally proposed 10 years ago and which would have been quite outrageous in terms of its impact upon the site. The reason for the superior development is that on that occasion the Government took a unique approach and set up a consultative group which involved local government, Aboriginal groups, conservation groups, etc. There was a great deal of input in terms of what sorts of development could create difficulties there.

For the most part, the development has been sensitive. The unfortunate thing is that during the very latest stages of the development, as I understand it, that consultation stopped and, once the design stage was entered, the consultation disappeared virtually entirely. As a consequence of that, a couple of things happened at the development which I think have detracted from it, even though, as I said before, it is a vastly improved development compared to that which was proposed some 10 years ago. There has been some debate both in this place and among members of the public generally about the fact that there has been a great deal of native vegetation removal and that there is a proposal to remove more of it. What has not been put on the public record is that one of the things that happened when the development was carried out was that two metres was removed from the summit, particularly from the front of the site. The reason why people cannot see through the trees is because where they are standing is two metres lower than it used to be; that is why the trees are now becoming such a problem.

It is funny how these things do not get put on the record, but that is the reason. Trees that never used to be a problem—and it is not just the blackwoods; there are eucalypts that are quite old and certainly pre-date the bushfire by a long time—are now part of the so-called blocking of the view. It is the lowering of that part of the summit that has caused the problem. I find it most unfortunate that, when the architect was carrying out his design work, rather than choosing to take two metres off the front, he did not confront the design process in a different way. He could also have potentially included viewing platforms within the design of the building itself. But that did not happen. As I said, the reason why there is now a debate about removal of further vegetation is that the design work unfortunately was not done properly.

I make two other observations about the development. In the car park I had to pay by meter, which surprised me. You now go to the summit and there are parking meters there at $1 per half hour, or so. That was a bit of a surprise to start with, but as I walked through the car park I noted that a large number of large eucalypts have been left there and they developed the car park around them. What seems rather unfortunate at this stage is that at least a quarter of those eucalypts are dead and at least another quarter are dying. Whether it is due to the *Phytophthora cinnamomi*, commonly known as dieback, or whether because in the laying of pipes

and various other things they have just cut through roots, they have vandalised and killed a number of very significant trees.

The other thing that they unfortunately got wrong is food pricing. There is an excellent restaurant that I would love to eat at and probably could afford to from time to time, but people will go up there just to take their family. I was very embarrassed that the people with us offered to buy some cake for my children, and the pieces of cake they bought cost $4.50 each. I am surprised that you cannot go to the summit and buy a cheap ice-cream and some cheap eats. There is a very nice restaurant that many people appreciate, but it is a great pity that they did not actually do something that catered for all cross-sections of our community.

ECONOMIC RATIONALISM

The Hon. T. CROTHERS: Today I would like to address the Chamber on what I believe is a most important matter of public interest. I wish to turn the minds of members to economic rationalism. Economic rationalism was first addressed with a *tour de force* by the fledgling Thatcher Government around the beginning of 1984. Up to that time I had never been one to believe in the economic global conspiracy in respect of capital, but after watching the events of the past decade or more unfold I now am very certain that such a cabal of people and vested interests does exist in respect of the placement of capital and, worse than that, in respect of determining the economic destinies of the world and its people. Unlike some of my colleagues who believe in economic rationalisation, I do not, and I have other colleagues in the Labor Party who do not believe in it, either. There are also some Liberals, I understand. Chris Pyne has opined contrary to the view of the majority of his Party.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: Angus Redneck—Redford. Sorry, I got the name wrong. The point is that economic rationalisation goes hand in hand with the theory of the economic globalisation of manufactured goods and products, because one is the horse in the shafts of the cart of the other. You cannot have economic globalisation unless you first put in place the rationalism of the economic dries. This type of rationalisation has led, in my view, to much unemployment and, as a consequence, in the more affluent nations of the western world we have seen people's purchasing power (that is, their capacity to purchase goods and services) decline. But of course, those global gurus who control these matters could not care a fig about that. They are too busy opening up the larger markets such as mainland China, with 1 200 million people, a population almost four times in excess of the whole population of Western Europe. They could not care less, because there is somewhat of a safety net in respect of social services provided in those advanced Western nations.

Members interjecting:

The Hon. T. CROTHERS: The Hon. Mr Davis, who himself is a dry economist, laughs sneeringly. I am reminded of those immortal words of my countryman, a much more famous man than Mr Davis ever could or would be, George Bernard Shaw, who said that it was a great pity that if you stretched all the economists in the world end to end they would never reach a conclusion. Whether or not that applies to Mr Davis I will leave for this Chamber and himself to judge. I have a view on it.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Time, my bleating friend, will determine which of the two of us is right—and the odds are stacked against you. As I said, they could not care less if they can open up the Chinese mainland market, with a population four times in excess of the population of what had been the most influential and affluent purchasing section of goods and services. The Hon. Mr Davis has held me up: I will have more to say on this at a future time when matters of public interest are being discussed.

DOMESTIC VIOLENCE

The Hon. BERNICE PFITZNER: I would like to speak on the recent review of services for women and children escaping domestic violence. The dedicated domestic violence services systems funded by the Supported Accommodation Assistance Programs are of three types. First there are the shelters, the funding of which is approximately $4 million and which employ 73 full-time equivalent staff. There are 13 shelters that provide a high security communal living accommodation model. At any one time they can hold 82 women and 300 children. There are eight metropolitan and five rural shelters.

Secondly, there are the Domestic Violence Outreach Services (DVOS), which have a funding level of approximately $180 000 and employ 3.5 full-time equivalent staff. In 1994-95, the staff assisted 1 689 women, with 2 162 accompanying children. The service provides access to shelters and safe accommodation, phone and face-to-face counselling, and information on police, legal, financial and custody issues surrounding domestic violence. It is basically a telephone service.

Thirdly, there is the Migrant Women's Emergency Support Service (MWESS), which is ethno-specific and provides emergency services to women and children from non-English speaking backgrounds. The funding for this service is approximately $320 000 and employs 6.5 full-time equivalent staff.

Despite the Supported Accommodation Assistance Program (SAAP) providing $4.7 million to domestic violence services, vast numbers of women and children are still unable to access services that they need. The groups of women who are excluded from most shelters are: women with teenage boys; women with mental disabilities; women with substance abuse issues; women with physical disabilities; women who want to remain working; and women who want to remain in their local areas. Of particular interest to me is the Migrant Women's Emergency Support Service (MWESS), which is ethno-specific and which targets groups from non-English speaking backgrounds. It provides only a metropolitan service. There is no after-hours service, and only 2 per cent of referrals to MWESS are made by the shelters.

It is noted in the report that MWESS has good links with the Ethnic Women's Welfare Group but not with the shelters nor with mainstream family services. In the wider community, MWESS does not seem to be well known. Again, we have women missing out on the domestic violence services, and the kinds of women who are missing out are: women from non-English speaking backgrounds; Aboriginal women who choose not to access shelters; women with mental illness and substance abuse; and women in rural and isolated areas.

The report identifies certain needs such as better sharing of resources and equity across the sector; a consistent case management approach in all services; an increased profile of children's needs; improved service response in rural areas; and improved service response for Aboriginal women and women from a non-English speaking background. There

seems to be a consistent refrain that the needs of women from non-English speaking backgrounds are not being adequately met. MWESS appears to be the only ethno-specific service, but the report states:

> There is widespread concern expressed about whether all the workers possess the necessary skill levels and professionalism.

These are the people in MWESS. It also identifies the need for awareness of changes in immigration patterns and, therefore, changes of need.

The report also states that some shelters appear unaware of the importance of cultural appropriateness. I have met some of the workers of MWESS who are dedicated and caring workers, and I hope that the report's recommendation, which asked for the amalgamation of MWESS and DVOS as a one-stop referral point, will not detract from the need to provide cultural awareness for the services that MWESS provides so well.

RANDOM BREATH TESTING

The Hon. T.G. CAMERON: Today I would like to speak on the matter of breathalysers and their introduction into South Australian hotels and clubs. I begin by congratulating the police on their recent decision to increase the level of random breath testing in country areas. I am pleased that at last there is recognition for a stronger presence of police resources in non-metropolitan areas.

While country South Australia contains just 15 per cent of our population, it claims more than 60 per cent of all road fatalities. Figures released by the South Australian police show that, next to speeding, alcohol was the main contributing factor to last year's road toll of 181. Thousands of other motorists, passengers and pedestrians were injured last year as a result of drink driving, costing this State hundreds of millions of dollars—not to mention the cost in personal tragedies.

In 1995-96, 174 554 people—or 76.5 per cent—were tested by RBT in the city, compared to 53 648—or 23.5 per cent—in the country. While I support the Government's move to increase the number of drivers to be breathalysed this year, both in the city and increasingly in the country, it will solve only part of the problem. This is because RBT accounts for only 21 per cent of those caught by police for drink driving. More than 65 per cent of motorists caught drink driving come to police attention only after committing a traffic offence or from being involved in an accident.

The point I am making is that, rather than hammer motorists after the event, when drivers have put both themselves and others at risk, the Government would be better off taking preventive action. Prevention is better than prosecution. This means that we must take every possible step to reduce the incidence of drink driving.

Clearly, part of the problem of drink driving is caused by people visiting hotels and clubs, drinking too much and then proceeding to drive whilst intoxicated. Research shows that 50 per cent of drivers killed in road accidents had been drinking at an hotel or a club prior to the accident. Nationally, nearly 30 per cent of drivers killed or seriously injured are over the limited of .05, with each road death costing the community an average of $625 000.

South Australian hotels and clubs reaped $224 million from poker machines in 1995-96—an increase of $42 million on the previous year. To help reduce the road toll, it is time the hotel and club industry reinvested some of the massive profits they make from pokies by installing free breathalyser machines. I understand that the Department of Transport, in conjunction with the hotel industry, will trial breathalyser machines in a small number of clubs and hotels this year. Whilst this is a move in the right direction, I urge the Government to go one step further and support the installation of free breathalyser machines in all pubs and clubs.

Figures supplied to me show that breathalyser machines can be purchased for around $5 000, or leased from just $220 per month. With economies of scale, these figures could fall as low as $2 000 to buy or $100 or less per month to rent. This is a small price for clubs and pubs to pay in order to ensure that their customers have the opportunity to act responsibly by checking their blood alcohol levels before driving.

Research conducted in Victoria has shown that in 93 per cent of hotels where breath testing devices had been installed alcohol sales have remained the same. We need action now, because people are dying on our roads. Considering that hotels and clubs have made massive profits from poker machines in recent years and that alcohol consumption is a major cause of road fatalities, and in the interests of patron safety, I call on the Minister for Transport to introduce legislation to make free breathalyser machines compulsory in all hotels and clubs. I hope that the Australian Hotels Association, the Premier and South Australian publicans will support the installation of free breathalysers, and I look forward to seeing them installed in every licensed club and hotel by the end of the year.

CRIME HYSTERIA

The Hon. A.J. REDFORD: Today, I would like to talk—albeit more briefly than I originally intended—on the topic of crime hysteria. I must say that the breadth of interest displayed by the Hon. Legh Davis caught me a bit by surprise, as I propose to go through exactly the same document as he did not 10 minutes ago.

If there is any way of telling whether we are in an election year, it is the increasing hysteria that comes from an Opposition bereft of talent, ideas and policies. Recently we have all witnessed and heard some of the thoughtless and hysterical efforts on the part of the Opposition to beat up the law and order issue. The Leader has talked about the knife problem, some obscure report beaten up by a failed New Zealand politician and Labor mate on the topic of motor cycle gangs and, of course, the beat-up by the member for Spence, Michael Atkinson, on the topic of intoxication and the criminal law. I know that, for every person who has used a defence of intoxication, the member for Spence has gone on talk-back radio 1 000 times—that is how rare those sorts of instances occur.

It is pleasing to see, as the Hon. Legh Davis pointed out, some of the trends which were indicated in the information bulletin issued by the Office of Crime Statistics entitled 'Reported Crime Trends in South Australia and which showed an overall decrease in reported offences during this Government's period in office. It is pleasing to note the reduction in reported sexual offences, both in terms of rape and indecent assault, although a minor increase has been reported in unlawful sexual intercourse reports, and that is something that we need to address.

It is also pleasing to see that the trend in relation to robberies is down and that, despite some of the more hysterical comments and press releases issued by the Leader

of the Opposition, the rate of breaking and entering is also in decline.

One area of some concern—because we are dealing with substantial numbers—has been the total increase in the number of reported cannabis and drug offences and, with the dramatic drop in the number of reported offences in April 1987 as a consequence of expiation notices, we are now back to those levels. That is something which this community needs to address as these figures inevitably climb.

I am also pleased to report on another paper on the topic of motor vehicle theft. Overall, motor vehicle theft in Australia has increased quite steadily in the 20-year period from 1975 to 1995. A number of strategies are in place to deal with motor vehicle theft, including theft proofing of motor vehicles, identification of parts and crime prevention strategies in general, including alarms.

I am pleased to see that South Australia is taking a lead in this area and that the initiatives by the Attorney-General have had a positive effect on our crime statistics. In that regard I refer to the CARS (Comprehensive Auto Theft Research Systems) project which has introduced a number of strategies—none of which is sexy or glamorous—but which has had an overall effect of reducing motor vehicle theft in South Australia; the Attorney is to be congratulated.

In closing, I urge the Opposition not to beat up fear in the community unreasonably for the sake of short-term political gain. At the end of the day, late night talk-back radio does not serve the community well by creating enormous fear in the elderly in the absence of calm and rational decision making and thought processes in dealing with that important topic. That is the greatest service this Opposition can do for this State right at this very moment.

The Hon. T.G. Cameron: Why didn't you do it when you were in Opposition?

The Hon. A.J. REDFORD: I have never been in Opposition.

INFORMATION TECHNOLOGY

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

That the Legislative Council—

1. Condemns the Government for its repeated withholding of information from the Select Committee on Contracting out of State Government Information Technology and notes that the Government—
   (a) has continued to refuse to supply a copy of the contract to the committee;
   (b) has not supplied a summary of a contract to the select committee despite an agreement signed between the Government and Opposition on 9 August 1996;
   (c) countermanded a request to all 'Wave 1 Agencies' to supply answers to questions direct to the select committee by 22 November 1996. The Government instructed the agencies instead to send the answers to the Department of Information Industries and these have not been forwarded to the select committee; and
2. Requests that the Premier arrange for the immediate release to the select committee full copies of the original answers from all 'Wave 1 Agencies' which were prepared for the select committee but were diverted to the Department of Information Industries.

The select committee to examine State Government information technology was established late in 1995 and has been running for some 14 months. If one examines its terms of reference, one sees that it is quite plain that it was always intended that the contract be examined. It must be noted that, despite that clear intention when that motion was carried in this place, when a copy of that contract was requested from the Government it refused to supply it and set about claiming commercial confidentiality.

It is interesting that—and I did not bring it with me, but I can supply a copy to interested members—when the present Premier was in his former position he put out a paper in relation to contracting out of Government services, and this was only some months after coming into government. This paper was to be sent to people who were seeking to win Government contracts. Within that paper the present Premier made quite plain that it was possible that either the Parliament or a committee of the Parliament might seek to see the full contract—and I am talking not just about the EDS contract but about contracts generally. This paper was put out under the name of the now Premier, the Hon. John Olsen. So, he had quite clearly anticipated, from his very early days in government, that contracts that had not yet been signed might be required to be sighted by the Parliament or by committees.

As I said, I am quite happy to supply a copy of that paper to any interested member, but the Government, now led by the person who held that position, now cries commercial confidentiality. The committee not only asked the Government for a copy of this contract but also asked EDS for a copy thereof. EDS simply did not supply the contract.

I went on the public record outside this place to make it quite plain that I was happy to see the contract in confidence within the committee and to recognise commercial confidentiality, but for reasons of their own the Government and EDS were not prepared to accept those sorts of assurances. I understand that the Labor Party was also giving the same assurances. Nevertheless, the Government and EDS refused to supply the contract.

That stand-off continued for quite some time. In fact, the committee came back to this Council and a motion was passed by this Council which was essentially an instruction for the contract to be supplied. But still it was not supplied. Much to my regret, and for reasons I do not understand, the Labor Party then did a deal with the Government, whereby it said that it would accept a summary of a contract—although I must say that my understanding was that if it were not happy with that summary it might still have asked for the full contract.

Nevertheless, that was done and, on 9 August last year, an exchange of letters made quite plain that in relation to a number of contracts—not just the EDS contract but other contracts that were being viewed by committees—summaries would be prepared and supplied to the committees. I know the Attorney-General is saying that it is now off with the Auditor-General. I can only say that that deal was done in August last year. It seems to me that the summary of the contract is taking longer to prepare than the contract itself. It is absolutely astonishing how long it is taking. One cannot help feeling cynical that the Government, which has had its eyes on the possibility of an early election, is trying to hold off as long as possible so that the committee does not even get a chance to look at the summary.

The Hon. R.I. Lucas: You're accusing the Auditor-General.

The Hon. M.J. ELLIOTT: I am not accusing the Auditor-General; for how long has he had it? When was it sent to the Auditor-General? The Government should have begun this process back on 9 August last year. Even if it spent

two months with the Auditor-General—which would have surprised me—that would still have given the Government five months in which it could have done its part. It is undeniable that, for whatever reasons, this committee, formed 14 months ago, does not have copies of the contract or the summary of the contract; that is undeniable fact. The committee could see that this process was becoming rather protracted, so it sought another way to get information. The committee wrote to all the Wave 1 agencies asking a series of questions, which covered such subjects as how much it was costing and how much it will cost. The committee wrote late in October—I think it was 31 October—and set a deadline of 22 December. Did it receive answers? Before that deadline was reached, what did Dean Brown do? Through DII, Dean Brown gave an instruction to all the Wave 1 agencies not to send answers to a committee—an absolute outrage.

I do not think I have seen anything like this before, where a select committee requests information directly from public servants and that the Government should intervene and divert that information. That information was diverted some time around the middle of November. Here we are in February, three months later, and has the committee received those responses? No, it has not. Again, can you blame anyone for being cynical in thinking that this is a deliberate effort to withhold information, trying to see how long they can withhold it and hoping to God that it can be held from members of the committee until the election is called? If there is need for a good reason for believing that, I can assure members of this place that, in conversations I have had, particularly over the past three or four months, with senior public servants from a very wide range of agencies, they are consistently telling the same story. They are telling me that this contract is not working.

When this committee was formed I was prepared to give the Government the benefit of the doubt, but it is not behaving in such a manner that one would continue to give it the benefit of the doubt. It is acting like a Government that has something to hide. How else can it justify that in 14 months information that the committee itself specifically wants and requests—as distinct from what the Government is prepared to provide—is deliberately not supplied, obstructing the work of a parliamentary committee. It is an absolute scandal. It is a scandal for a Party that went to the last election talking about accountability, systems of government and a Government being answerable to the Parliament. The policy speech that the Government gave before the last election is an absolute scandal. The Government has not in any way complied with the spirit of what it was saying to the people of South Australia before the last election. It was saying that in the light of the State Bank experience the Parliament has to play a far more active role in these sorts of things and that Parliament must keep the Executive accountable. That was what it said, and it was right: Parliament should keep the Executive Government accountable.

It has done everything it can to avoid being held to account, and not just as it affects the select committee. I have been deeply disturbed. I did not have a lot of faith in the incoming Government's intellect, but I did have some faith in its integrity. I must say that I was very wrong about the latter. There are a few exceptions—a few Ministers have genuine integrity—but the Government as a whole lacks integrity, and its behaviour on issues such as this simply underlines that lack of integrity. Once it came into Government it had this born to rule mentality that it knows what is right and that even if it did make a mistake there was no way it would let anybody find out.

It is becoming quite likely that this EDS deal will cost this State dearly. I did not believe that at the time. I had some concerns about whether or not outsourcing would cause other problems simply in terms of having people working on programs who understand the requirements of individual departments, and some of the disadvantages associated with that. I also had some doubt that it would make the savings that were being predicted, but I never really expected that it would cause significant losses. That is not the opinion I am forming now, from talking to a wide range of senior people in the public sector in positions to know how this deal is working. I stress that, without exception, they are telling me it is a disaster. The only difference between this and the water contract is that it seems that people have been prepared to leak on the water contract but not on this one. People are telling me that this one is much worse than the water contract in terms of the future impact on the bottom line of the State budget.

If the State Government had learnt anything at all about the State Bank, it would have been insisting on accountability. It knows that the lines of these contracts cannot be analysed through the usual processes on Government spending, through Estimates Committees. Estimates Committees cannot go into the contracts in that way. How else then will we get accountability on significant public spending? It should not be an expectation of the Auditor-General alone. We do not expect the Auditor-General to do the job alone on the rest of the Government spending; that is why we have the Estimates Committees.

We cannot expect the Auditor-General to do this job alone in relation to these huge contracts written over long periods of time—and the Government is writing still more. The bids are now in for building services maintenance contracts—another $50 million a year worth of contracts. Again, deals are being done behind closed doors with the cloak of commercial confidentiality and (one would assume) the Government again showing absolutely no preparedness ever to subject those contracts to scrutiny.

The Government cannot go on that way, and I am sure members of the Government must be deeply concerned themselves that it is happening this way. When will the people of conscience in the Liberal Party show the guts to go back into their Party room—

The Hon. R.R. Roberts: They haven't been born yet.

The Hon. M.J. ELLIOTT: No, I think there are a few of them; it is a question of how many. When will they show the guts to go into their own Party room and say that this is not good enough, that we do believe in the parliamentary process and accountability and if there have been stuff-ups they must be uncovered and not covered up? That was the mistake the Labor Party made with the State Bank. By the time it was becoming public knowledge that the State Bank was in trouble (certainly there was talk around the town for a quite a while before it was ever acknowledged), it would be fair to say that much of the damage had been done. But the question is how much more damage was done because it continued to be covered up. We had people getting up in the other place saying there were no problems and that it was all scandalous. When Ian Gilfillan in this place and Jennifer Cashmore in another place were asking questions about the State Bank, the reaction from the then Government was that there were no problems. It started talking about commercial confidentiality, business confidence and knockers—all the same sort of stuff

we hear from this Government was being said back then. What lesson was learnt? It appears that this Government learnt nothing, unless it was that that is the way Governments behave, as distinct from learning how Governments should behave.

It is an absolute disgrace that information has not come forward. Points (a) (b) and (c) within my motion are statements of fact. It is a statement of fact that the Government has continued to refuse to supply a copy of the contract to the committee. That is quite contrary to the things John Olsen was saying only months after he became Minister in publications that were being circulated to people who were applying for Government contracts. The then Minister, now Premier, knew it was likely that contracts could be sought by parliamentary committees and, in fact, in all conscience, all Government members know that not only could they be asked for but that it is proper that they should be asked for—with, of course, guarantees about protecting commercial confidentiality.

It is a statement of fact that that contract has not been supplied in 14 months. It is also a statement of fact that an agreement was struck between the Government and the Opposition on the question of a summary of the contract, yet 7½ months later we have still not seen it. To say that it is now with the Auditor-General is not good enough. The fact is that it is now 7½ months since that agreement was struck and the committee has not received that, either. It is also a fact that the Wave 1 agencies (over 80 per cent of the public sector) having been asked to supply information directly to a select committee were told not to do so by the Hon. Dean Brown and by the Department of Information Industries. That information was diverted away from a parliamentary committee and has still not gone to that parliamentary committee. It is a pity I do not have a paragraph (d) in my motion to note that the first meeting this year of the committee will be on 25 March. I can only assume that that means that Government members have not been too keen on making themselves available to even allow a meeting to occur. Again, that is an absolute outrage and a contempt of the parliamentary process. Those are all statements of fact and absolutely irrefutable.

The second part of this motion requests that the Premier arrange for the immediate release to the select committee of full copies of the original answers—and I stress 'of the original answers'—from all Wave 1 agencies which were prepared for the select committee but which were diverted to the Department of Information Industries. If the Government wants to supply information, or additional information to that information supplied by the agencies if it feels they have made errors, it is within its right to say so, but the Government does not have it within its right to not supply those answers—

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: What you will do is defend a Government that intervenes in the supply of information, a starvation of useful information.

The Hon. K.T. Griffin: We are not doing that at all.

The Hon. M.J. ELLIOTT: You have to do that because, at the end of the day, the request is for the Premier to ensure that those answers come to us. If the Government wants to qualify those answers, it should go for it, but it should ensure that information sought by the committee is supplied to it, and supplied to it immediately, or the cynicism to which I referred earlier about the motivation in terms of the behaviour of the Government will be absolutely justified and underlined. I ask all members to support the motion.

The Hon. ANNE LEVY: I certainly support the motion moved by the Hon. Mr Elliott. I do not necessarily support everything the honourable member has said in speaking to his motion, but I certainly support the motion as he has moved it. The honourable member has outlined very clearly the continued non-appearance of even the sanitised version of the contract. I can only stress that the agreement was reached between the Government and the Opposition last August. We are now six months from then and we still have not received a copy of the contract, sanitised or otherwise. When I asked the Attorney-General a question on this matter nearly a month ago, he replied that of the three contracts being sought two of them had recently been completed and the third was still being worked on by the Crown Solicitor and that they then had to go to the Auditor-General.

We are certainly not blaming the Auditor-General who has had these contracts—I presume he has all three of them by now—for a very short time, but it is the Government that has delayed the preparation of the sanitised contracts for at least five months. Consequently, they have not been able to go to the Auditor-General for checking whether what has been removed is confidential before they come to us. I would have thought that it was the Government's responsibility to take less than five months to have the sanitised version of the contract prepared. Once the agreement was reached the Attorney assured the Council that, when the motion requesting them was passed, the House would not in any way delay their preparation. One is left to wonder if the motion had not been moved just how long it would have taken. Obviously, it has taken five months from the time of the agreement to the time when a sanitised version has been prepared. We are now waiting for the Auditor-General to confirm that what has been omitted is the confidential information which the Government said would be all that was withheld from the select committee.

The Hon. Mr Elliott also referred to the letter sent by the select committee to all agencies of Government requesting simple statements of fact by 22 November. It is now three months after the date by which the information was requested to be supplied and we still have no response. The Hon. Mr Elliott has mentioned how the Minister has intervened and told all the agencies to send their information to a particular department which will collate this information and put it in comparative form. If the agencies had responded by 22 November to the central agency, I cannot imagine that it has taken three months to prepare this. I understand that the information has all been received by whatever the agency is now called—it changes its name with Premiers, so it is a bit hard to keep track of what it is now called—and that the collation has been done. Furthermore, I was told that, while the select committee might expect to receive this information in a very short time (by the end of this week), prior to its coming to the select committee it is to go to the Minister. The Minister has to see it and approve it before it is sent to the select committee.

We know from this that, if we do not receive it by the end of the week, it means that the Minister is interfering in the process and censoring the information which is to come to the select committee as requested by the select committee of the individual agencies. I certainly look forward to receiving this information by the end of the week and I am sure that, if we do not receive it by then, it will indicate censorship and

tampering with that evidence by the Minister. I do not find it inexcusable that the Government should wish to ensure that the information is presented in a coherent form, but I do find it inexcusable—

The Hon. K.T. Griffin: And is accurate?

The Hon. ANNE LEVY: Obviously the committee wants the information that it requests to be accurate.

The Hon. K.T. Griffin: You said 'coherent', and I said 'coherent and accurate'.

The Hon. ANNE LEVY: Yes. If the information provided by an agency was not coherent or accurate, it would be quite possible for the committee to receive evidence on that matter from other sources, but I object most strongly to the fact that we are now three months past the date at which the committee requested the information, and I cannot understand how or why the information should be three months late. It is absolutely inexcusable.

One can only presume that it is because the Public Service has been so run down and depleted in numbers by this Government that it is unable to undertake the tasks it is meant to perform. The Public Service is unable to produce that information rapidly because there is no staff left to do it. If that is the case, I suggest that the different agencies could hire consultants to do the work for them in the way they seem to be hiring consultants to do all the work that they are not able to do because of lack of numbers. This Government is given to hiring consultants to do Public Service work because there are not the public servants to do it.

I repeat: it is inexcusable that, three months after the date on which this information was requested by the committee, it has not yet been presented to that committee. I can only hope that the rumour I have heard about its arriving late this week is indeed an accurate rumour and that we will have this information within a few days. I am not holding my breath on the matter because the information is to go via the Minister to the select committee, and one wonders how long the Minister will sit on it. It might be another three months before he looks at it.

All the time, the threat of an early election is hanging over us, and I can only echo the remarks made by the Hon. Mr Elliott that the non-provision of the sanitised contracts and the non-provision of the information from the agencies which the select committee has been requesting certainly leads to the suspicion that the Government does not want the committee to have this information. It is holding it back in the hope that an early election will mean that it will never have to be provided to the committee and that the public will forget all about it. I can assure you, Ms Acting President, that many people will not forget that this information has been withheld from Parliament and from the people of this State, and that it is not something that will vanish due to lack of interest. The matter will be pursued. The Opposition is determined to see that this information is made available so that members of Parliament and the public of South Australia, which we serve, will be to make their own judgment upon it. I support the motion.

The Hon. K.T. GRIFFIN (Attorney-General): I am getting somewhat used to the Hon. Mr Elliott adopting a holier-than-thou attitude towards various issues, purporting to be the conscience of the House in all manner of things and purporting to have greater knowledge than anybody else about everything that happens in Government, so one has to live with that. I suppose also that one gets used to the righteous indignation which members opposite express in relation to a variety of issues, particularly when their righteous indignation now does not match their performance in Government.

I suppose also that one can understand the sort of grandstanding which occurs because the Leader of the Opposition has been saying in the public arena that the election will be held on 5 April and, if it is not on 5 April, by the time the four-week period has narrowed, it will be on the 12th or some other date. He is the one who is trying to hype up the election, and the Labor Opposition is running out all its criticisms and all of what it thinks are good public political points to make in the expectation that there will be an election; yet the Premier has said repeatedly that there will not be an early election and he expects the election to be later than rather earlier. I am sure that members will discover that for a fact when we get to Easter and they can relax a little and plan for the next election date and when they predict that will occur.

In relation to the motion, I am not in possession of all the information necessary to respond to the allegations that have been made, and I will undertake to obtain that information and seek to speak on it at the next opportunity by seeking leave to conclude at the appropriate time. The Government refused to supply a copy of the contract and there was no secret about that publicly because of the issues of commercial confidentiality. It was that crisis, which was moving towards a confrontation in the Chamber where ultimately the majority in this Chamber could call before the bar of the Council public servants and members of the private sector to require them to answer questions, which prompted the Government to act.

I was responsible for having discussions, particularly with the Opposition, about the ways in which we could deal with that sort of crisis. I negotiated with the Opposition, but the discussions with the Hon. Mr Elliott were not as extensive as those with the Opposition, and we reached an agreement on a protocol. That protocol made clear that it did not preclude any member moving any motion to require the production of any documents if ultimately that is what they wished to occur. It also did not preclude the Government at some time in the future saying 'No, we do not propose to produce even a summary of a particular contract for a particular reason which may be appropriate at the time.'

It was envisaged that at no stage would the protocol which was negotiated override the rights of individual members, parliamentary select committees, standing committees or a particular Chamber of this Parliament obtaining information, moving motions and seeking to obtain information if the majority so wished.

I acknowledge that the protocol was consummated in early August and that one might normally have expected the contract summaries to be prepared within several months of that time. The difficulty—and I do not expect members opposite or the Australian Democrats to believe this, but it is the truth—is that there was a diligent approach by me, by the Crown Solicitor's office and, I believe, by agencies as well to put together a summary which was not in any way misleading, which satisfied the obligations that had been negotiated in the protocol and which also were likely to satisfy the requirements of the Auditor-General in exercising the functions that it had been agreed he should undertake, particularly in relation to the accuracy of the summary but also in relation to a claim that information might or might not be commercially confidential as the case may be.

As a result, the Crown Solicitor had the primary responsibility for developing a contract summary. For those members

who might have at least seen either the formal signing of the EDS contract or even the television news reports of that, the documents were quite extensive, and there were a number of those documents. One of the difficulties after the event is to pull it all together into an accurate summary. Not only did the Crown Solicitor have to do that but there had to be consultations with the department as well as with the private sector parties that were involved. Perhaps with the benefit of hindsight one could say that it should have occurred more quickly. I can vouch for the fact that the Crown Solicitor's officers and officers within agencies were diligently endeavouring to put something together—an accurate summary—and seeking to ensure that it was an accurate reflection of the contracts themselves. In addition, not only did we want the Crown Solicitor, the agencies and the private sector parties to be satisfied, but Ministers and me, because I wanted to ensure that there was nothing misleading in the way in which the contract summaries were prepared. They have now been prepared.

The three summaries went to the Auditor-General during the early part of February. I indicate that earlier than that there were further discussions with the Auditor-General—and the Opposition and the Democrats are aware of this. When the Auditor-General looked at how he should tackle the task he proposed that there should be a format for the summaries—what sort of information would they contain—so that they could all be prepared on as consistent a basis as possible reflecting the issues which the format might require. The Crown Solicitor's office and I, along with the Auditor-General, were involved in trying to develop a format which was, again, a proper format for an accurate reflection of the substance of the contract and which also dealt adequately with the issues relating to commercial confidentiality. That format was agreed. As I recollect, I wrote to Mr John Quirke for the Opposition and to the Hon. Michael Elliott and sent them a copy of that format so that I could keep them informed of what had been agreed by the Auditor-General as an appropriate format to be followed in the preparation of summaries of various contracts.

The Hon. M.J. Elliott: When did you send that?

The Hon. K.T. GRIFFIN: I am sure I sent to the Hon. Michael Elliott a letter that provided him with the format which the Auditor-General had agreed was the appropriate format for the summaries. If I am mistaken I will correct that on the next occasion I speak; but I am confident that I sent it to Mr John Quirke and to the Hon. Michael Elliott to inform them of what was happening.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I appreciate the confidence that the Hon. Trevor Crothers has in me, or at least in my word. The summaries have gone to the Auditor-General. One has to recognise that it is not just a matter of the Auditor-General's ticking the papers. I understand that he has officers who are working through these in conjunction with the principal documents. He has to sign off, because he has own reputation on the line that they are an accurate reflection of the contract and that the matters for which commercial confidentiality are claimed are, in fact, commercially confidential within the guidelines and the format that have been agreed. I cannot speak for the Auditor-General as to when they will be ready. So far as—

The Hon. Anne Levy: He has only had them for a fortnight or so.

The Hon. K.T. GRIFFIN: But I have said that; I have not denied that. I said that they went to the Auditor-General earlier this month. In that context I cannot speak for the Auditor-General as to when these documents will be forwarded to the select committee. I would like it to be earlier rather than later, because I am tired of being the butt of criticism for something that I am trying to do to satisfy the obligations of the protocol and to ensure that this information is properly prepared and provided. I do not want to be asked questions all the time about when they will be delivered; but I have acted in good faith in trying to get them done. They are now with the Auditor-General, and I hope that it would not be too far into the foreseeable future that they will available to the committee.

There is a measure of good faith on the Government's part to get these to the committee. I regret that it has taken so long, but it has not been something over which I have had any control. It is a result of the fact that a significant amount of work had to be undertaken to do this. We did some costings the other day in my office to try to get some appreciation of the cost of doing the summaries for the water contract. That does not include the cost in my own office, legal officers, the Auditor-General's office and so on; but, at least in the Crown Solicitor's office and in the executive level of SA Water, by the time all this is finished we expect that there would be a minimum cost of $10 000 for the preparation—

The Hon. Anne Levy: The letter says $6 000.

The Hon. K.T. GRIFFIN: But if you look at it other costs are involved. The letter does not, as I recollect, say up to—

The Hon. Sandra Kanck: You could have photocopied the original contract: that would have been cheaper.

The Hon. K.T. GRIFFIN: I am not sure that it would have been. I am sure that the honourable member would have been delighted with that, but that is not what we are on about.

The Hon. Anne Levy: It could be compared to the half a million paid to the consultants working on it.

The Hon. K.T. GRIFFIN: I am not making any comparison about what this cost bears to anything else: I am just telling you what the estimate of cost is. In relation to the—

The Hon. Sandra Kanck interjecting:

The Hon. K.T. GRIFFIN: There is a lot of gratuitous advice floating around from people who know nothing about the way these things have to be done and the work involved; I just push that to one side. In terms of the request from the select committee in relation to 'Wave 1 Agencies' I am not familiar with all the information; but there is no impropriety in agencies which are required to provide evidence doing so in consultation with the Minister and for a Minister to ensure as a part of the Government—because this is a Government issue and not just a departmental issue—that the answers are coherent and accurate.

The Hon. Anne Levy: Not three months late!

The Hon. K.T. GRIFFIN: I have undertaken to provide further information, and I shall do so. I can do no more than that, and I am trying to be helpful—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: I am trying to be helpful, to try to put it into perspective, and I will do the best I can to ensure that it occurs. However, if one looks at the issue of information from Government departments, one sees that there is no reason at all why Governments should not ensure that there is coherence and accuracy in the information that is provided. It is all very well to say, 'Provide the original answers and you can give evidence to correct them.' That is not appropriate, in my view. It is appropriate that the Government provide to the select committees or standing

committees of the Parliament, or in any other way in the public forum, information that is coherent and accurate. It is my understanding that that is what was involved. I will pursue the issues raised in relation to the answers to questions.

Members will know that, whether it is in the Federal or State arena, public servants are subject to direction on matters of policy and other issues by Ministers or by CEOs. That applied in the Federal arena when the previous Labor Government gave directions to public servants not to answer questions before the Foreign Investment Review Board and before one of the Senate standing committees; it happens all the time. That is a reflection of the tension between Government and executive Government, on the one hand, and Parliament on the other in relation to issues that are particularly difficult and may be delicate. Having said that and tried to put this into a context, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

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

That this Bill be now read a second time.

When the previous Government amended the Constitution Act to allow for a minimum three years and a maximum four years term for the Parliament, the Democrats endeavoured to amend the legislation to allow for fixed terms. It is our very strong belief, and I think a strong belief in the community, that there is a large number of advantages for the community itself generally and, I would argue, for the economy in having fixed terms.

I note that fixed terms exist in local government, where we had fixed terms of two years for quite a period of time. More recently, local government has had an alteration so that it now has fixed terms of three years. I also note that the New South Wales Parliament has fixed terms of four years and that fixed terms are used in the United States and Great Britain. There are enormous advantages in having fixed terms. There is no doubt that speculation about the possible date for the next election in South Australia started around June last year.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I am making the point that the speculation about the date commenced at that time. In fact, at that stage the speculation was largely coming from within the Liberal Party itself and had a great deal to do with whether or not backbenchers would behave themselves, whether they would cross the floor and swap allegiance and all sorts of other things. It is true that speculation started back then and that it continues from all quarters. It is quite possible that speculation could still be going on until February next year, and if the speculation continues until then we will have a good idea that we are looking at a March or April election.

The Hon. T. Crothers: Do you think it's a furphy designed to get the Democrats and the Labor Party to peak too early?

The Hon. M.J. ELLIOTT: I have no idea. We are in a position where the speculation started in June 1996, and the election could be as late as April 1998. It is true that when there is the possibility of an election both Government and Opposition Parties will start behaving somewhat differently. They go into election mode, and that means that Governments are less likely to make a tough decision that they perhaps need to make in case they need to call an early election, and the Opposition starts wheeling out the stuff that it thinks it needs to wheel out at that time.

The Hon. L.H. Davis: How do the Democrats behave?

The Hon. M.J. ELLIOTT: I won't comment. I am too close to that to really make an impartial observation. However, I am making a general observation without reflecting on present Governments or present Oppositions in any way. It has been my observation over some time that Governments, when they have a choice of when to call the election, will keep their options open for all dates, including the earliest possible and the latest possible. But, always, if the earliest possible date is one when they think they will win with some degree of comfort, they will go for it and, if things are looking at bit grim, they will hang on hoping that they will get better.

In the case of the last Federal election, Keating ran out of time and it did not get any better. But there have been previous elections where Governments have gone too early because they thought things were looking pretty good and they might as well get their next term up straight away.

What happens is that the Government takes its eye off the generally understood role of governing and starts worrying more about doing things which appear to be good but which are often superficial. In fact, the lack of momentum within this Government is quite evident if one cares to look at the Notice Paper in this and the other place, where there is very little legislation of great significance. That is usually a fair sign that the work rate in Parliament has slowed down, and my observation is that the work rate outside has also slowed down, other than the attention that is now going into electioneering.

I note that my own local member was letter boxing last weekend. In fact, quite a few letter boxes over the past weekend or two have received material. That means that members of Parliament and those who intend to stand against them are now spending much of their time preparing election material and not so much worrying about their constituency in the broader sense. They are worrying about how the constituency will vote and how they will appeal to them but they are not worrying about what they might actually do for them in an ongoing manner.

I would expect that the reaction from the Government will be opposition to this legislation, because while you are in government there is a clear advantage in being able to choose the date. It is seen that being able choose the date increases the chance that you will win the election. Of course, since it is in office, the Government would like to think that by choosing the date carefully it will win the next election and then be in a position to use that same tool the election after that as well. However, there is no doubt that the community view is in support of fixed terms.

I note in the *Advertiser* only today that the Employers Chamber expressed a view that fixed terms were seen to be an advantage for business. I even note that there are clear advantages for the Electoral Office. I have no doubt that the community generally does not enjoy the long phoney campaigns that are based upon speculation about when the election will be rather than the real campaign when you know there is a date and you move towards it. As I said, there is no doubt that there is overwhelming community support for this move, even although my expectation is that the Government will be concerned not so much about what the community

might think but about keeping its residual advantage of being able to pick the date for its own convenience and to maximise its own opportunity.

Election dates are not about what is good for the community. Rather, they are about what is good for the Government itself. Nevertheless, my experience with other legislation has been that, if you introduce it a couple of times, there is a chance that the Government will eventually pick it up. However, that does not make the matter not worth pursuing, even if you think there is a chance that it might fail. I ask the Government to think about it and to talk to its own constituency—the business constituency—which I have no doubt will say that it would like to see fixed terms in Parliament. I commend the Bill to the Council.

The Hon. L.H. DAVIS secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEGAL SERVICES COMMISSION

The Hon. L.H. DAVIS: I move:

That the report of the Statutory Authorities Review Committee on Review of the Legal Services Commission (Part 2) be noted.

This second report on the Legal Services Commission concludes the Statutory Authorities Review Committee inquiry into this most important statutory authority. The report is the culmination of 18 months of investigation by the committee, and again the committee, in all respects, is unanimous in its recommendations. Amongst its members the committee has two people with a legal background and, as members would know, three Liberal and two Labor members.

The Legal Services Commission in South Australia, along with those in other States and Territories, has been the subject of much public speculation in recent months since the Commonwealth Attorney-General in July 1996 announced that there were to be savage cuts by the Commonwealth Government to their legal aid funding which would take effect on 1 July 1997. It is perhaps not an understatement to say that this is the greatest challenge—indeed, crisis—that the legal aid system has faced in South Australia since the Commonwealth Government established funding for legal aid offices around Australia commencing in 1973, about 24 years ago.

The South Australian Attorney-General (Hon. Trevor Griffin) and other Attorneys-General around Australia, of whatever political persuasion, have been united in their criticism of the Federal Liberal Government's decision to cut funding to Legal Aid Commissions by about 25 per cent. For South Australia, it represents a $2.7 million reduction in funding for the year 1997-98.

The Commonwealth Attorney-General (Hon. Daryl Williams) has been on the defensive on this matter, perhaps not surprisingly, given that the combined weight of the other Attorneys-General in Australia has been against him. In January, the Federal Attorney-General made what could be considered a remarkable quote, when he said:

An outdated and inefficient legal aid system was providing Rolls Royce representation for a few and needed to be reformed to comply with modern management practices.

The considered view of the Statutory Authorities Review Committee, having examined the Legal Services Commission in South Australia over the past 18 months, was that if the budget cuts proceeded the commission would not be providing the so-called Rolls Royce representation but would be operating like a horse and cart with three wheels.

Mr Williams also claimed, in this same article in the *Sydney Morning Herald* a little more than one month ago, that legal aid authorities were bureaucratic and inefficient, had inadequate financial reporting systems and were immune to external pressures to improve. Again, that was at odds with the very considered view of the Statutory Authorities Review Committee, which not only took evidence from a range of people in the law system but also visited the Legal Services Commission and was satisfied—and publicly stated—that the Legal Services Commission in South Australia was arguably the most efficient in the nation and well run, despite its severe budgetary constraints.

To further compound Mr Williams's misery, a week after he made the rather remarkable Rolls Royce statement he was quoted in the *Age* of 27 January this year as admitting that the savage cut to legal aid had been based on erroneous figures. He had taken the legal aid statistics from only two States and the 1994 and 1995 figures, rather than looking at Australia as a whole and taking the most recently available figures for 1995-96.

Not surprisingly, not only have the Attorneys-General of Australia criticised the Commonwealth Government's proposed funding cuts to legal aid but also the Law Council of Australia and a recent national summit on legal aid have been unanimous in their condemnation of these proposed cuts.

On 4 February, the South Australian Attorney-General (Hon. Trevor Griffin), in response to a question that I asked earlier this month in the Parliament, made the following point:

The only other option available to us, apart from trying to negotiate a suitable outcome with the Commonwealth, is to disengage from the relationships with the Commonwealth, amend the Legal Services Commission Act and merely deal with the delivery of legal aid in so far as it may be funded by the State, allowing the Commonwealth to go its own way in the provision of legal aid for those persons for whom it has a specific responsibility, either as being involved with Commonwealth matters, Aboriginal persons, persons on a pension, for example, and matters dealt with under Federal law, such as family law, Commonwealth drug offences, and so on.

Of course, the consequences of that would be horrendous; for example, if one looks at the 1995 statistics for the Legal Services Commission in South Australia, one sees that applications for legal aid for family law matters represent 20 per cent of total applications. That is clearly on all fours with Commonwealth matters. The Attorney-General is obviously concerned about that possible outcome. It would not be a desirable outcome.

Would it mean, ultimately, that the Commonwealth would set up its own bureaucracy to administer legal aid to applicants in respect of Commonwealth legal matters? The situation is too bizarre to be even contemplated. Clearly a decision on this matter must be made shortly because already applications are being made, not only in South Australia but in other States and Territories, for legal aid funding that will spill over into 1997-98.

To be fair, the Commonwealth Attorney-General has acknowledged that he will be taking back to the Commonwealth Treasury a submission to revise or increase the forward estimates for 1996-97, although to date not too much encouraging noise has been coming from that direction. The ultimate solution, as proposed by the Attorney-General in South Australia and by his colleagues in other States, for

example, the New South Wales Attorney-General, is that ultimately, if an impasse remains between the Commonwealth and the States in respect of this important matter, the Government here will have no alternative but to introduce legislation to disengage the Commonwealth from this State in the provision of legal aid in this State.

That is a dramatic and drastic solution and one which is not cost effective. What concerns me is that these proposed cuts in funding, representing just a few tens of millions of dollars, are but a drop in the bucket in the total Commonwealth budget. The starting point, surely, for any legal aid system in a civilised country is that there should be an equitable legal aid system, one which is committed to justice and one which is committed to recognising that those people who do not have the necessary means are entitled to legal representation in matters that affect them, whether they be criminal, civil or family law matters.

The committee was disappointed to note that the Attorney-General was prepared to cut legal aid funding in 1997-98 by 25 per cent across the board, yet for the overall running of his other programs within the Commonwealth Attorney-General's Department the cost cuts represented just a few per cent. In fact, the Victorian Attorney-General claimed that those reductions in other programs in the Commonwealth Attorney-General's Department were a mere 3 per cent.

The Hon. Anne Levy: That is not counting the capital.

The Hon. L.H. DAVIS: No. The Victorian Attorney-General, Jan Wade, in an article in the *Age* dated 18 December 1996, said:

> What I find perplexing, however, is that even accepting the Attorney-General's Department's analysis of the budget figures—

and we found out subsequently that they were incorrect—

> Commonwealth legal aid funding has borne a disproportionately high percentage of the Attorney-General's budget cuts.

The reaction to these proposed cuts has been savage. Adelaide family lawyer, Julie Redman, who gave evidence to the committee, said that the separation between the Commonwealth and the State legal aid funding would create 'total chaos'. She told the *Advertiser* that the planned Federal cuts would have 'disastrous effects', and that Mr Griffin's emergency plan of introducing legislation was the strongest thing the State could possibly do. The New South Wales Labor Attorney-General, Mr Shaw, only earlier this week called for a State summit on the Federal Government's legal aid cuts. He accused the Federal Government of holding the justice system to ransom by refusing to reconsider its massive legal aid cuts.

Of course, one implication for these cuts is that already criminals are being refused legal aid. If that is taken to its ultimate conclusion, some of those alleged criminals may well walk free. The cuts, if they are carried out, will particularly impact in all States because the Legal Services Commission, which is already operating as a very lean and mean authority, will have to cut back even more. It has been suggested by the Chairman of National Legal Aid, Mr Chris Staniforth, that if the cuts proceed as many as 130 000 people in Australia would not have access to basic legal help. That would represent over 10 000 people in South Australia who would not have access to the most basic legal help.

The National Women's Justice Coalition spokeswoman, Ms Judy Harrison, said that, if the proposed cuts were translated into lost grants of aid, at least 49 000 grants nationwide would be lost by July 2000. Based on the current distribution of grants between women and men, this would mean at least 15 000 grants will be lost to women and girls. Ms Harrison said that the areas in which women are most likely to suffer cuts would be domestic violence, protection orders, criminal injuries compensation, the division of property between *de facto* partners, child welfare matters, criminal law and discrimination.

Ms Harrison claimed that women would be disproportionately disadvantaged because the availability of legal aid assistance in family law was likely to decline. Another spin-off of these proposed funding cuts would be that the family violence packages, which have been introduced into Australia, may not be funded. The weight of evidence quite clearly bears out the views of the committee when it reached the unanimous conclusion that the only way in which the Legal Services Commission in South Australia can adequately respond to matters of particular concern to women, without reducing services in other areas, is for the commission to receive significant additional funding.

The committee noted that there had been widespread concern about the Commonwealth's decision to cut legal aid funding based on outdated figures. The committee believed that additional funding was required and that assistance should be provided in relation to family law matters and other areas of concern to women, such as domestic violence.

The second and final part of the committee's review of the Legal Services Commission placed special emphasis on the provision of legal aid to women. It also dealt with legal aid and the operation of the justice system. The committee, as I have already mentioned, was unanimous in all its recommendations in both these two important matters.

It is not my proposal to address the recommendations that were made by the committee because the committee's deliberations in the second part of its review into the Legal Services Commission were led, again, by the Hon. Angus Redford, who has a practical legal background and the Hon. Anne Levy who, as all members would know, has had a long-standing interest in social justice matters.

I want to put on the public record my tribute to those two members for the diligence, enthusiasm and professionalism they exhibited in assisting in the preparation of this important report. I also recognise the valuable work carried out for the committee by research officer, Andrew Collins, and the secretary to the committee, Anna McNicol. I would hope that in the next few weeks we will see a positive resolution to this most important and distressing matter of funding for the Legal Services Commission in South Australia.

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

PROPERTY TRANSACTION

Adjourned debate on motion of Hon. M.J. Elliott:

1. That a select committee of the Legislative Council be appointed to inquire into matters surrounding the purchase of property known as 'Gouldana', sections 35, 36, 37 and 190 in the Hundred of Smith and any potential conflict of interest that may have existed for the then Minister for Primary Industries, the Hon. D.S. Baker, M.P. and any related matter.

2. That Standing Order 389 be 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 or documents presented to the committee prior to such evidence being presented to the Council.

4. That Standing Order 396 be suspended as to enable strangers to be admitted when the select committee is examining witnesses

unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 12 February. Page 900.)

The Hon. M.J. ELLIOTT: When I moved this motion I made the point that ultimately the reason that this select committee became necessary was that the Government had chosen not to address questions that had been asked in Parliament that went to the very heart of issues of conflict of interest. The *prima facie* evidence that has been brought before us so far suggests that there has indeed been a conflict of interest in relation to the Hon. Dale Baker's acting in his private capacity by expressing an interest in purchasing land that the department of which he was Minister was also seeking to purchase. There was *prima facie* a conflict of interest.

When this issue was raised in the Parliament through a series of questions, the Minister himself in that instance should have addressed those questions to dispel the possibility that there was a conflict of interest. I noted that when he answered the questions he denied that a conflict of interest existed but that he failed to answer specific questions. I observed previously that he has not acknowledged inside or outside this place whether he personally inspected the property some days after his own department inspected it, nor has he given any real information about the role he played in specific terms. Anyone who cares to read his ministerial statement will find that he avoided answering most of the questions. That was pursued further by more questions, but the Minister and then, after he absented himself from his duties, the Government, have still failed to address the specific questions.

I had hoped, perhaps during this motion to establish a select committee, that the Government would still try to answer those original 13 questions and others that were subsequently asked and not answered.

The Hon. R.I. Lucas: Even though we've had two inquiries.

The Hon. M.J. ELLIOTT: I note the interjection of the Hon. Robert Lucas. I find it interesting that, when the police inquiry was established and we suggested that we would move to establish a select committee, the Premier's immediate response was that this was outrageous and that we did not need two inquiries. He said that the police inquiry could answer it all. He was wrong; a police inquiry cannot answer questions about simple conflict of interest unless that conflict of interest involves some criminal or civil misbehaviour. The debate that has taken place in relation to this motion has not suggested that that occurred; it has centred simply on the question of whether a conflict of interest existed. The Premier said that there was no need for any other inquiry whatsoever. However, he subsequently realised that he would not get away with that, and then announced that he was setting up an inquiry and would appoint Anderson QC to run it.

I received a letter early last week asking me whether I would supply documentary information to that inquiry. I wrote back saying that I would supply documents, although I believe that all but one of the documents in my possession had already been tabled. In that letter I went further and asked whether I could be told the terms of reference and be informed about whether this inquiry has the power to call witnesses and require them to attend and whether it offers immunities to witnesses, etc. That letter was sent a week ago and I can tell you that I still have not received a response.

The Hon. Robert Lucas wants to talk about how many inquiries we want. With respect to this second inquiry, which the Premier originally said was not necessary, we have not been told its terms of reference, its powers, what immunities and protections are offered to witnesses, and so on. What do we know about the inquiry? Where is it going, what is going on? It is an inquiry behind closed doors, looking at things we have not been told about. That is no reflection on the person who has been asked to conduct the inquiry, but he can operate only under the terms of reference and powers that have been offered to him, and the Government has not been prepared to answer questions in relation to those. How much confidence can we place in such a closed inquiry?

I make the point that the issues that this committee is to address were raised within Parliament and that the Government refused to answer them within Parliament. The only way this Parliament can ultimately take those questions further is to address them itself. The fact that a committee is being established is ultimately the outcome of a refusal to be accountable to the Parliament itself, and the Government can wear that. I note that the Opposition has indicated support for this motion.

The Council divided on the motion:

AYES (9)

Crothers, T.	Elliott, M. J. (teller)
Holloway, P.	Kanck, S. M.
Levy, J. A. W.	Nocella, P.
Pickles, C. A.	Roberts, R. R.
Weatherill, G.	

NOES (8)

Davis, L. H.	Griffin, K. T.
Lawson, R. D.	Lucas, R. I. (teller)
Pfitzner, B. S. L.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

PAIRS

Cameron, T. G.	Irwin, J. C.
Roberts, T. G.	Laidlaw, D. V.

Majority of 1 for the Ayes.

Motion thus carried.

The Council appointed a select committee consisting of the Hons M.J. Elliott, K.T. Griffin, A.J. Redford, R.R. Roberts and T.G. Roberts; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 19 March 1997.

TOURISM COMMISSION

Adjourned debate on motion of Hon. R.R. Roberts:

1. That a select committee of the Legislative Council be appointed to inquire into matters surrounding the—
   (a) termination of the employment of Mr Michael Gleeson as Chief Executive of the South Australian Tourism Commission;
   (b) attempts to terminate the employment of a senior executive of the Tourism Commission, Mr Rod Hand;
   (c) appointment of Ms Anne Ruston to the position of General Manager of the Wine and Tourism Council of South Australia,

   including the role of the Minister for Tourism, the Hon. G. Ingerson M.P., in these matters.

2. That Standing Order 389 be 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 or documents presented to the Committee prior to such evidence being presented to Council.

4. That Standing Order 396 be suspended as to enable strangers to be admitted when the Select Committee is examining witnesses unless the Committee otherwise resolves, but they shall be excluded when the Committee is deliberating.

(Continued from 12 February. Page 905.)

The Hon. M.J. ELLIOTT: I rise to speak to the motion but at this stage I do not intend to indicate either support for or opposition to the motion. I will raise several issues; some overlap issues already raised and some go a little beyond those. I invite Minister Ingerson to address the issues. I am sure and confident he will. I have had a brief, private conversation with him. I ask that he address fully the issues, and I understand that there will be a response next week in relation to issues raised by the Labor Party and issues that I will raise.

In the first term of reference the Opposition talks about the termination of employment of Mr Michael Gleeson as Chief Executive of the South Australian Tourism Commission. There is no doubt that Mr Michael Gleeson was held in high regard in the tourism industry. In fact, he was held in sufficient regard that his contract had been renewed only a couple of months before Minister Ingerson decided he did not want him any longer. One would assume that in these days of contracts one does not renew a contract unless one feels that a person is really doing their job.

There is little doubt that the Tourism Commission was moving along quite well. Mr Michael Gleeson may have been the first head of the Tourism Commission with significant tourism experience. That is not a reflection on previous people, but a statement that I understand to be true; that is, he came out of the tourism industry, became chief executive officer and that tourism in South Australia, which had been lagging very badly, was starting to make progress. We were still a long way behind other States, but I understand some real progress was being made. As I said, Mr Gleeson was held in high regard among people working in the tourism industry.

Will the Minister provide an explanation of why Mr Gleeson was removed, his contract having recently been renewed? I particularly invite him to inform this Council how much he was paid to leave. My understanding is that he had at least a three year contract to go. He also had to sign an understanding that he would not make any comment on his removal. I can only imagine and believe that the Government paid some amount for that as well. How much did the termination of employment cost the Government? How much of that was made up of compensation for loss of future salary due to the fact that his contract still had a considerable period to go and how much was for other purposes and for what other purposes those moneys were spent? Speculation suggests figures as high as $500 000 might be involved. If that is not the case, I certainly invite the Minister to put us right.

Paragraph 1(b) of the motion refers to attempts to terminate the employment of a senior executive of the Tourism Commission, Mr Rod Hand. My understanding is that while the focus on the media so far has been very much on Rod Hand, if anything, as far as the Minister's relationship with Mr Gleeson, what happened with Mr Hand was the straw that broke the camel's back. The information that I have suggests that the Minister had quite regularly been giving instructions to Mr Gleeson in terms of what should happen to staff within the Tourism Commission. It is interesting to note, if one looks at the senior positions within the Tourism Commission, how many of them have been made vacant, redundant, moved sideways, sacked, or not had contracts renewed over recent times.

Rod Hand was two layers below the CEO, and he was given as the major reason for the showdown. As I understand it, Minister Ingerson directly instructed Mr Gleeson to sack Kay Mathewson, to shift Kent Rossiter sideways into another position, to move John Evans sideways, and to sack Rod Hand in the next tier down, and he had already been moved sideways on ministerial instructions. The Minister also instructed that Brian Price and Godfrey Santer, the national marketing manager and the international marketing manager, were not to have their contracts renewed. That is interesting because they were working in the markets which were showing growth in terms of our share at a national level. The international market was also picking up well.

The two people who were in charge of that marketing did not have their contracts renewed. I understand that they were the two gentlemen involved in the Fast Ferries episode, and that they well and truly deserved to have their fingers smacked and to be told that they were extremely naughty gentlemen, but I do not believe that there was any justification not to renew the contracts of two successful operators who were doing a great deal of good for tourism in this State.

My understanding is that, on a regular basis, the Minister had been quite hands on with the department. If members read the Tourism Commission Act, they will see that the Minister can give instructions and directions to the Tourism Commission board and that the board can give instructions to the CEO. It appears to me that, quite contrary to my understanding of the Tourism Commission Act, on a number of occasions the Minister went straight past the board directly to the CEO and told him what he wanted him to do. I have been led to believe that Gleeson complied on a number of occasions, but became increasingly disturbed as he saw the upper echelons of his department gutted, largely on the basis that, for whatever reason, the Minister wanted to remove people.

Mr Gleeson was a highly successful operator, with a series of operators below him, making real progress; yet the Minister issued these clear instructions. Mr Gleeson did not rebel until the Rod Hand episode. He believed that Rod Hand was unfairly targeted and blamed for certain things that happened. I invite the Minister to tell this place whether or not he played any role in the sacking of Kay Mathewson, the movement sideways of Kent Rossiter and John Evans, and whether he had any involvement with Rod Hand. I invite him also to explain what role he played in Brian Price and Godfrey Santer not having their contracts renewed.

I understand that there was a fair bit of intervention in terms of how moneys were spent, and I ask the Minister to respond to the following examples. My understanding is that a significant amount of Tourism Commission money has gone into Wirrina. Wirrina is being perceived as a tourist project but my understanding is that the major reason it needs water to be connected to the site is not because of the tourism component but because several hundred houses will be built on the site as well. A residential development is to be attached to a tourism development, and it is the residential component that has put in a demand for water. I want the Minister to inform this place whether or not Tourism Commission money has been used to connect the water to Wirrina and also whether Tourism Commission money has been used for other infrastructure including roads upgrading, both outside and inside the site.

I also want to know whether Tourism Commission money has been used to make *ex gratia* payments to fishermen. Questions have been asked in this place about the effect on squid fishermen, among others, in the Wirrina area, and my understanding is that a number of those people have been given *ex gratia* payments and have been asked to sign confidentiality agreements which seem to be a common thing these days. I ask the Minister to inform this place whether the Tourism Commission made such payments directly or indirectly. If so, I want to know what justification the Tourism Commission has for making payments of compensation to fishermen who will be affected by what is significantly a private development.

I also want to know how much Tourism Commission money is to be spent on the marina and ramp development, etc. A great deal of concern has been expressed locally that the development will have significant limitations in terms of public access. On 21 November last year, a public meeting was held in the District Council of Yankalilla in relation to the Wirrina marina development. The meeting unanimously passed a motion calling on the council to write to the marina developers, MBf, asking for a definitive statement on public accessibility to boat ramp facilities at Wirrina.

I understand that, on 23 January 1997, MBf Resorts replied, stating that the ramp would be located in the marina in protected water and that restrictions would be placed on its access, including the hours of availability, the number of boats that could be launched from there, and a nominal charge, whatever that means, for access, with an amount not yet decided. The marina is expected to be opened in mid to late September 1997. There is concern that many of the development's facilities will be built with millions of dollars of public money, I understand it will be Tourism Commission money, perhaps as much as $10 million, but the question remains as to who will own the facilities and how many of them will be deemed to be public.

I believe that there is a joint legal agreement or agreements between the South Australian Tourism Commission, the Department of Transport and the Wirrina developers (MBf) which addresses key areas of the Wirrina development, namely, the roads, water supply, water treatment plant, waste water treatment plant and marina. I have been told that these agreements detail what will be provided by the State Government and what will be provided by the developer. I understand that the agreements detail public infrastructure provided by the developer but not necessarily deemed to be public, including fuel dispensing, toilets, parking, boat berthing facilities, etc.

The Minister must provide a definitive statement on the accessibility of facilities to the public at Wirrina, as well as a definitive statement on just how much Government money, particularly out of his department, will be spent on it. He must say what it will cost the public to access facilities built at Wirrina and how much money the Government has contributed to roads, water supply, water treatment plant, waste water treatment plant and the marina at Wirrina.

I also ask the Minister to give this place information on precisely how much money the Tourism Commission has spent on supporting Fast Ferries in a range of ways. I understand that there is an agreement that, for instance, whenever the Fast Ferry cannot pull up at Glenelg, the commission pays for all the fuel when it goes up to Port Adelaide and back, which is a significant bill. How much is the Tourism Commission putting into infrastructure in Glenelg and on Kangaroo Island directly for the use of Fast Ferries? I understand that they are the only operators likely to operate between Glenelg and the site on Kangaroo Island. There has been a great deal of Government interference with respect to spending money but, if the Minister wants to dispute that, he has the ideal opportunity.

The last issue that I put to the Minister goes beyond the things that have been raised by the Opposition and relates to the allegation that the Tourism Commission paid for a trip by Joan Hall to North America a couple of years ago. I know that Joan Hall has chaired the backbench committee on tourism, but it seems to me that backbenchers have travel allowances which enable them to travel and carry out studies. I want to know whether the Minister was involved in arranging for the funding of the trip that Joan Hall took to North America, how much that trip cost, how long the trip lasted and where the member of Parliament visited.

I want to know whether or not a report was prepared for the Tourism Commission and, if so, whether the Minister is prepared to make that report publicly available, because I find it hard to believe that it contained commercially confidential material. As it has essentially been attributed to taxpayer's expense it should have the same level of accountability as applies to members who travel on their travel allowances. Indeed, I argue that since this person was a backbencher it would have been right and proper, if she wished to study tourism in North America, for her to do so within her ordinary travel allowance, as would any other member.

I have raised a number of issues, and I invite the Minister to respond fully to all those matters. I can understand the cynicism that one gets from time to time about select committees. I have to be convinced in this case whether or not we are talking about a Minister who has from time to time been a little heavy-handed, a little bit clumsy and who has made the odd mistake (and I do not think that justifies a select committee, because voters make up their own minds about things such as that) or whether there is something that deserves far more attention.

The Hon. R.I. LUCAS secured the adjournment of the debate.

MINISTERS, TRAVEL

23. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. R.I. LUCAS: Consistent with answers given by the Labor Government, the Government has decided that the time and cost that would be involved in obtaining the requested information for intrastate and interstate travel is not justified. The Government has provided information on all details of overseas travel by Ministers and staff.

24. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Premier, Minister for Multicultural and Ethnic Affairs and Minister for Information Technology and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Premier, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Premier on each of the trips and for what purpose?

The Hon. R.I. LUCAS:

1. The following was spent on ministerial travel for the specific periods:

(a) 1 January 1994-30 June 1994, $67 837;

(b) 1 July 1994-30 June 1995, $74 958; and

(c) 1 July 1995-30 June 1996, $99 208.

Two trips were taken in the period 1 January 1994-30 June 1994:

From 28 January to 5 February 1994, the Premier travelled to Europe and Asia to develop business opportunities in London and Japan for South Australia.

The total cost of the trip was $27 063.

The Premier was accompanied by his Chief Political Adviser, Mr R. Yeeles.

From 1 June to 30 June 1995, the former Premier visited Singapore, Malaysia, Hong Kong, China and Japan, to announce and develop new and emerging business opportunities in Asia for South Australia.

The total cost of the trip was $115 747.

The former Premier was accompanied by Mrs Brown (his wife), Mr J. Scales (Senior Adviser), Mr K. Donnellan (Press Secretary), Ms H. Tuen (Senior Cabinet Officer), Mr J. Cambridge (Chief Executive of the Economic Development Authority), Mr J. Hall (Senior staff from the Economic Development Authority), Mr G. Lowe (Senior staff from the Economic Development Authority).

No trips were taken in the period 1 July 1994 to 30 June 1995.

From 8 to 12 July 1995, the former Premier travelled to South East Asia to announce and develop new and emerging tourism and business opportunities in South East Asia for South Australia.

The total cost of the trip was $14 537.

The former Premier was accompanied by Mr J. Bonner, Assistant Media Adviser, and Mr D. Lambert, Senior Executive from Tourism SA.

From 24 August to 12 September 1995, the former Premier travelled to the United States of America and Japan, visiting Seattle, San Francisco, Dallas, Austin, New York, Washington and Tokyo. The purpose of the trip was to announce and develop new and emerging business opportunities in the US and Japan for South Australia.

The total cost of the trip was $82 505.

The former Premier was accompanied by Mrs Brown, Ms Y. King, Economics Adviser, Mr K. Donnellan, Press Secretary, and Mr R. Dundon, Chief Executive of the Office of Information Technology.

From 23 to 27 June 1996, the former Premier travelled to Hong Kong and Singapore to officially open the 'Investment and Business Skill Migration Seminar', and to announce and develop new and emerging business opportunities in Hong Kong and Singapore.

The total cost of the trip was $29 987.

The former Premier was accompanied by: Mr R. Lawson (Parliamentary Secretary) Ms Y. King (Economic Adviser) Ms S. Cosgrove (Manager, Department of Information Industries) Mr I. Kowalick (Chief Executive of the Department of Premier and Cabinet, and Mr K. Donnellan (Press Secretary).

25. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Deputy Premier, Treasurer, Minister for Police and Minister for Mines and Energy and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Deputy Premier, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Deputy Premier on each of the trips and for what purpose?

The Hon. R.I. LUCAS: The following was spent on ministerial travel for the specific periods:

(a) 1 January 1994-30 June 1994, Nil;

(b) 1 July 1994-30 June 1995, $19 914.89; and

(c) 1 July 1995-30 June 1996, Nil.

No trips were taken during the period 1 January 1994 to 30 June 1994.

From 18 September 1994 to 1 October 1994, the Deputy Premier travelled to London, Zurich, Tokyo, Hong Kong and Singapore. The purpose of the visit was to give presentations to European and Asian financial markets on the Government's commitment to restore the State's finances, and the financial market activities of SAFA.

The total cost of the trip (airfares, accommodation and expenses for the Treasurer and chief of staff) was $ 17 419.89.

The Minister was accompanied by Mrs Baker, his Chief of Staff, Mr J. Chapman, Dr P. Boxall, Under Treasurer and Mr P. Ploksts, Assistant General Manager, SAFA.

The expenses for Mrs Baker were met from the Deputy Premier's allowance for travelling expenses for members, ex-members and relatives.

From 11 June 1995 to 14 June 1995, the Minister visited Hong Kong to promote the sale of South Australian assets to Asian investors. This trip was a component of an international marketing program aimed at achieving the maximum value for the sale of State assets and maximising the economic benefit of asset sales.

The total cost of the trip was $2 495.

The Deputy Premier was accompanied by Dr R.N. Sexton, Chairman of the Asset Management Task Force.

The following information is provided in respect of overseas travel by the Hon. Dale Baker in his capacity as Minister for Mines and Energy:

From 23 April 1995 to 30 April 1995, the Minister travelled to South Africa to lead a business delegation to develop new and emerging business opportunities in South Africa. This trip was a component of a broader itinerary which included primary industries discussion in other countries. The South African portion concentrated specifically on Mines & Energy issues.

The total cost of the trip was $9 000.

The Minister was accompanied by Ms J. Ferris, his Chief of Staff, and the Chief Executive of Mines & Energy.

(a) 1 January 1994-30 June 1994, Nil;

(b) 1 July 1994-30 June 1995, $9 000; and

(c) 1 July 1995-30 June 1996, Nil.

I understand that no overseas travel was undertaken by the Hon. John Oswald which related specifically to his Housing, Urban Development and Local Government Relations portfolio.

26. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Industry, Manufacturing, Small Business and Regional Development and Minister for Infrastructure and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. R.I. LUCAS:

1. The following amounts were spent on ministerial travel during the specified periods:

(a) 1 January 1994-30 June 1994, $13 214;

(b) 1 July 1994-30 June 1995, $27 194; and

(c) 1 July 1995-30 June 1996, $38 365.

From 10-13 April the Minister travelled to Singapore to attend the Food & Trade Conference '94.

The total cost of the trip was $3 855. The estimated benefit from the trip is $ 1 475 000.

The Minister was unaccompanied.

From 26 June to 3 July 1994, the Minister travelled to Singapore and Indonesia to attend the Australian Trade delegation, 'Australia Today'.

The total cost of the trip was $9 359.

The Minister was accompanied by Mrs Olsen, and Ms L. Blieschke, his Chief of Staff.

From 9 November to 14 November 1994, the Minister travelled to Hong Kong to attend Grand Prix functions.

The total cost of the trip was $9 598, with estimated benefits of approximately $18 436 000.

The Minister was accompanied by Mrs Olsen and his Media Adviser, Mr R.Teuwsen.

From 23 February-12 March 1995, the Minister travelled to Europe, visiting England, France, Sweden and Germany. The purpose of the visit was to attend meetings with water companies and EDA related meetings.

The total cost of the trip was $10 948.

The Minister was accompanied by Ms L. Blieschke, Chief of Staff.

From 2 May to 7 May 1995, the Minister travelled to Hong Kong to open Hong Kong offices.

The total cost of the trip was $6 648.

From 30 August to 11 September 1995, the Minister travelled to North America and Mexico to attend outsourcing contract meetings.

The total cost of the trip was $20 948.

The Minister was accompanied by Mr R. Teuwsen, his Media Adviser.

From 30 September to 4 October 1995, the Minister travelled to Jakarta to attend EDA and SA Water meetings.

The total cost of the trip was $10 562.

The Minister was accompanied by Ms L. Blieschke, his Chief of Staff.

From 2 November to 8 November 1995, the Minister travelled to Brunei and Hong Kong to attend the BIMP & EAGA Expo '95, and also a Grand Prix promotion.

The total cost of the trip was $6 855, with estimated benefits of $ 15 029 500

The Minister was accompanied by Mr R. Teuwsen, his Media Adviser.

From 1 March to 16 March 1996, the Minister travelled to France and the United Kingdom at the invitation of the UK Government.

The total cost of the trip was $12 039.

The Minister was accompanied by Ms L. Blieschke.

From 17 April to 26 April 1996, the Minister travelled to Singapore, Brunei and Sarawak in order to open the new SA Government Commercial Representatives Office in Singapore, and to lead a trade delegation and attend Food & Hotel Asia.

The total cost of the trip was $1 902, with estimated benefits of $6 271 900.

The Minister was accompanied by Mr R. Teuwsen

From 21 June 1996 to 24 June 1996, the Minister travelled to Jakarta to attend the International Air Show.

The total cost of the trip was $3 739.

The Minister travelled unaccompanied.

27. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Employment, Training and Further Education and Minister for Youth Affairs and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. R.I. LUCAS:

1. The following amounts were spent on ministerial travel during the specified periods:

(a) 1 January 1994-30 June 1994, Nil;

(b) 1 July 1994-30 June 1995, $17 042;

(c) 1 July 1995-30 June 1996, Nil.

2. to 4. In early December the Minister travelled to Asia to enable the State Government to be represented at the opening of the Media Workshop in Hanoi, Vietnam, and to cement existing DETAFE commercial operations in Thailand and Malaysia. The visit will help position South Australia to win future AIDAB and other distance education projects.

The total cost of the trip was $17 042.

The Chief of Staff accompanied the Minister to provide advice and support.

28. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Attorney-General and Minister for Consumer Affairs and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years:

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995; and

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. K.T. GRIFFIN:

1. The following amounts were spent on ministerial overseas travel for the specific periods:

(a) 1 January 1994-30 June 1994, $7 422.69;

(b) 1 July 1994-30 June 1995, $27 646.76; and

(c) 1 July 1994-30 June 1996, $14 040.91.

2. In June 1994 the I travelled to the United States of America and Canada to attend meetings in relation to crime prevention, consumer affairs and native title management.

The total cost of the trip was $7 422.69.

I was unaccompanied.

In May 1995, I travelled to London, Amsterdam and Paris to attend meetings in relation to crime prevention, law reform and broader Government business.

The total cost of the trip was $27 646.76.

I was accompanied by Mrs Griffin and my Chief of Staff, Ms L. Stapylton.

In August 1995, I travelled to Beijing and met with various Chinese Government officials. In Hong Kong I attended meetings relating to crime prevention, consumer affairs and legal matters.

The total cost of the trip was $14 040.91.

I was accompanied by my Press Secretary, Ms L. Brett.

Staff members accompanied me in order to assist me in performing my duties.

29. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Tourism, Minister for Industrial Affairs and Minister for Recreation, Sport and Racing and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Ministers, or their staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Ministers on each of the trips and for what purpose?

The Hon. K.T. GRIFFIN:

1. The following amounts were spent on Ministerial travel during the specified periods:

(a) 1 January 1994-30 June 1994, Nil;

(b) J July 1994-30 June 1995, $22 407.35;

(c) 1 July 1995-30 June 1996, $47 242.81.

2. to 4. In June 1994 the Minister travelled to Sydney to attend the Tourism Minister Council meeting, Malaysia and Singapore for the purpose of attending meetings and visiting officials, and then returned to Adelaide via Sydney for the Australian Tourism Exchange.

The total cost of the trip was $15 439.16 which cannot be broken down into international and interstate components.

The Minister was accompanied by his wife.

In September 1994 the Minister travelled to Singapore, Hong Kong and Malaysia to bid for the World Chinese Entrepreneurs Conference.

The total cost of the trip was $6 968.19.

The Minister was accompanied by Mr Bill Spurr, chief executive, Adelaide Convention and Tourism Authority, and Mr Alfred Huang, Chinese Chamber of Commerce. Their component of the trip was paid from their respective budgets.

In August and September 1995 the Minister went to China, Hong Kong, Singapore, Malaysia and New Zealand. He represented the former Premier, Dean Brown, in China to open the South Australian Government's new trade office in Shanghai and to attend a trade mission in the Province of Gansu which cost $14 598.24 for this portion of the trip. Following these official duties, the Minister

pursued a number of tourism related business and investment opportunities in Hong Kong, Singapore, Malaysia and New Zealand.

The total cost of the trip was $28 173.63.

The Minister was accompanied by his tourism adviser, Ms Anne Ruston (whose expenses are included in the above figures), Ms Anne Howe, Chief Executive, Department of Building Management, James Hall, International Adviser, Economic Development Authority on the China portion of the trip, and the chief executive, South Australian Tourism Commission, Mr Michael Gleeson joined them in Hong Kong for the remainder of the trip. Their component of the trip was paid from their respective budgets.

In September 1995 the Minister went to Jakarta, Indonesia to attend the Travel Australia Britain Seminar.

The total cost of the trip was $10 153.43.

The Minister was accompanied by his tourism adviser, Ms Anne Ruston.

Please note that $8 915.75 was pre-paid in the 1995-96 financial year for travel that was taken in the 1996-97 financial year (Olympic Games-Atlanta-London-Munich.

30. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Emergency Services, Minister for Correctional Services and Minister for State Government Services and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Ministers, or their staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Ministers on each of the trips and for what purpose?

The Hon. K.T. GRIFFIN:

1. The following amounts were spent on ministerial travel during the specified periods

(a) 1 January 1994-30 June 1994, Nil;

(b) 1 July 1994-30 June 1995, $44 025.78;

(c) 1 July 1995-30 June 1996, Nil.

From 10 July to 21 July 1994 the Minister travelled to the United Kingdom. The purpose of the trip was to examine private management of prison, outsourcing of prison services and prison industries, and to examine aspects of police, fire and ambulance services.

The total cost of the trip to the United Kingdom was $21 505.18

The Minister was accompanied to the United Kingdom by his spouse and media adviser.

From 26 April to 7 May 1995 the Minister travelled to the United States of America and Canada. The purpose of the trip was to examine aspects of policing, paramedic services, prison programs (both private sector and government managed), and the Canadair fire bombing aircraft.

The cost of the trip to the USA and Canada was $22 520.60

The Minister was accompanied to the USA and Canada by his Chief of Staff.

31. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Primary Industries and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Ministers, or their staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Ministers on each of the trips and for what purpose?

The Hon. K.T. GRIFFIN:

1. The following amounts were spent on ministerial travel during the specified periods.

(a) 1 January 1994-30 June 1994, Nil;

(b) 1 July 1994-30 June 1995, Nil;

(c) 1 July 1995-30 June 1996; $29 948.45.

2. to 4. Minister Kerin did not travel overseas during the period 1 January 1994 to 30 June 1995.

From 6 May to 27 May 1996, the Minister travelled to Turkey, Greece, Israel, United Arab Emirates and China, to develop new and emerging business opportunities for South Australia

The total cost of the trip was $29 948 45.

The Minister was accompanied by Mr Barry Featherston, his media and policy adviser, Dr Don Plowman, director, Research and Development, SARDI, Mr Barry Windle, general manager, Agricultural Industries PISA and Mr Anthony Brown. Special Projects Coordinator. PISA.

Dale Baker, former Minister for Primary Industries

1. The following amounts were spent on Ministerial travel during the specified periods.

(a) 1 January 1994-30 June 1994; $15 343.90

(b) 1 July 1994-30 June 1995; $37 708.45

(c) 1 July 1995-30 June 1996; $39.486.78.

From 22 June to 17 July 1994 the Minister travelled to Europe, Canada and Hong Kong, to develop new and emerging business opportunities for South Australia.

The total cost of the trip was $15 343.90.

The Minister was accompanied by Ms J Ferris, chief of staff to the Minister, and Mr M Madigan chief executive officer of PISA to assist with portfolio related discussions.

From 3 November to 11 November 1994 the Minister travelled to China and Hong Kong to develop new and emerging business opportunities for South Australia.

The total cost of the trip was $18 321.79.

The Minister was accompanied by Ms J Ferris, the Minister's chief of staff, and Mr M Madigan who travelled at departmental expense.

From 1 May 1995 to 14 May 1995 the Minister travelled to the Middle East and Saudi Arabia, to lead business delegations to develop new and emerging business opportunities in the regions of South Australia.

The total cost of the trip was $19 386.66

The Minister was accompanied by Ms J Ferris, the Minister's chief of staff, and Mr M Madigan, who travelled at departmental expense.

From 26 August 1995-16 September 1995 the Minister travelled to the United States, the United Kingdom, Tunisia, Spain, Israel and Hong Kong, to develop new and emerging business opportunities for South Australia.

The total cost of the trip was $32 347.93.

The Minister was accompanied by Ms J Ferris, the Minister's chief of staff, and Mr M Madigan who travelled at departmental expense.

The Minister's Chief of Staff, Ms Jeannie Ferris visited Italy between 23 and 28 October 1995, for the purpose of trade development of the olive industry. She was accompanied by the chief executive of PISA. The total cost of that trip was $7 138.85.

32. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Transport, Minister for the Arts and Minister for the Status of Women and/or members of her staff in each of her portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or her staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. DIANA LAIDLAW:

1. The following was spent on ministerial travel for the specific periods:

(a) 1 January 1994-30 June 1994 - Nil

(b) 1 July 1994-30 June 1995 - $6 751.10

(c) 1 July 1995-30 June 1996 - $11 795.26

2. to 4. During the period 1 January 1994 to 30 June 1994, the Minister undertook a study tour through London, Paris, Cairo and Singapore, which was paid for from her Members of Parliament Travel Entitlement.

The total cost of the trip was $6 751.10. The Minister was unaccompanied.

During the period 1 July 1995 to 30 June 1996, the Minister went on a study tour to Edinburgh and Hong Kong, paid for from her Members of Parliament Travel Entitlement.

The total cost of the trip was $11 795. The Minister was unaccompanied.

33. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Health and Minister for Aboriginal Affairs and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. DIANA LAIDLAW:

1. The following was spent on ministerial travel for the specific periods:

(a) 1 January 1994-30 June 1994 - Nil

(b) 1 July 1994-30 June 1995 - $2 019.58

(c) 1 July 1995-30 June 1996 - $42 922.11

2. to 4. No trips were taken in the period 1 January 1994 to 30 June 1994.

During October 1994, the Minister travelled to Singapore and Kuala Lumpur to represent the Premier at the University of Adelaide's Alumni Association Meeting, and to discuss recognition of South Australian medical graduates in Singapore and other health related matters with the Singapore Minister for Health. The Minister also followed up negotiations on export of Health Services with various Malaysian interests.

The total cost of the trip was $2 019.58. The Minister was unaccompanied.

From 29 October to 9 November 1995, the Minister travelled to San Francisco, Portland, Iowa City, Los Angeles and Seattle. The purpose of the trip was to sign an Trans-National Alliance with the University of Iowa for telemedicine and tele-education collaboration, to visit organisations engaged in the provision of managed care, and to study public health service rationing in the State of Oregon.

The total cost of the trip was $20 356.25. The Minister was accompanied by his Chief of Staff, who provided policy advice and briefings on a day-to-day basis.

From 20 March to 30 April 1996, the Minister travelled to Los Angeles, Chicago, Florida and San Francisco to attend a Health Management Conference in Florida; to meet and have discussions with various companies involved in the supply, operation and management of hospital services, and to undertake field visits to observe services which would facilitate the implementation of Health Plus.

The total cost of the trip was $22 565.86. The Minister was accompanied by Mrs Armitage.

34. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Environment and Natural Resources and Minister for Family and Community Services and Minister for the Ageing and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. DIANA LAIDLAW:

1. The following amounts were spent on ministerial travel during the specified periods:

(a) 1 January 1994-30 June 1994 - Nil

(b) 1 July 1994-30 June 1995 - $24 053.61

(c) 1 July 1995-30 June 1996 - $6 679.33

2. to 4. From 29 June to 5 July 1994, the Minister travelled to New Zealand at the invitation of the Hon. Denis Marshall MP, Minister for the Environment in New Zealand. The purpose of the trip was to study the effectiveness of their recently introduced Integrated Natural Resource Management Legislation.

The total cost of the trip was $7 750.85. The Minister was accompanied by Mr John Scanlon, Chief of Staff, and Mrs Liz Wilson, Adviser for Family and Community Services.

From 22 February to 13 March 1995, the Minister travelled to Denmark, USA and Tokyo to attend, as part of the Australian Delegation, the United Nations World Summit for Social Development in Denmark. Also, to examine coastal protection, recycling and waste management and the management of National Parks, and to represent the Premier in Tokyo for a promotion by the South Australian Film Corporation. The total cost of the trip was $16 302.76. The Minister was accompanied by Mrs Wotton.

From 19 to 23 July 1995, the Minister travelled to Singapore to attend, as guest of honour at the 5th South East Asian and 36th Australian Surveyors Congress including Gala Dinner. During his stay the Minister also met with the Minister for the Environment.

The total cost of the trip was $6 679.33. The Minister was accompanied by Mrs Wotton.

35. **The Hon. T.G. CAMERON:**

1. How much has been spent by the Minister for Housing, Urban Development and Local Government Relations and/or members of his staff in each of his portfolios in an official capacity on ministerial travel in the following years—

(a) 1 January 1994-30 June 1994;

(b) 1 July 1994-30 June 1995;

(c) 1 July 1995-30 June 1996?

2. Where, when and for what purpose did the Minister, or his staff, make each of these trips?

3. How much did each trip cost, including transportation (as well as air travel and hire cars), accommodation and any other expenses?

4. Who accompanied the Minister on each of the trips and for what purpose?

The Hon. DIANA LAIDLAW:

1. The following amounts were spent on ministerial travel during the specified periods:

(a) 1 January 1994-30 June 1994 - Nil

(b) 1 July 1994-30 June 1995 - $17 233.84

(c) 1 July 1995-30 June 1996 - $4 512

2. to 4. From 12 to 23 August 1994, Minister Oswald travelled to Canada to undertake evaluation for a possible Commonwealth Games bid.

The total cost of the trip was $17 233.84 The Minister was accompanied by a ministerial adviser.

From 28 August to 3 September 1995, Minister Oswald travelled to Japan and Malaysia in order to represent the South Australian Government at the Adelaide City Cup in Tokyo, Japan, and to use the opportunity to promote South Australian racing in Japan and Malaysia. The total cost of the trip was $4 512. The Minister was unaccompanied.

CANNABINOID DRONABINAL

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council requests that the Minister for Health extend the trialing of cannabinoid 'dronabinal' for medical purposes to include the trailing of cannabis to eligible patients.

(Continued from 27 November. Page 578.)

The Hon. R.R. ROBERTS: I support the motion. I am not known for having too much truck at all with addictive drugs, but I see this more in the line of the support I gave to the trialing of hemp and hemp products. One need not be a supporter of marijuana to see the economic benefits to South Australia and to South Australian primary producers if that crop were to be a successful commodity.

The Hon. Michael Elliott seems to be providing the medical fraternity and sufferers of different medical conditions with another option which may well alleviate suffering in the South Australian community. If one wanted to be pedantic about it, one could compare it with some of the other addictive prescription drugs such as Rohypnol that we see in prisons. When abused they are a pest in society, but when used for proper medical purposes they provide proper relief

and an alternative medical treatment for the sufferers of different ailments.

It would not be responsible of any Government to cut off another avenue of health treatment for the citizens of South Australia. It is very clear in the Hon. Mr Elliott's motion that this drug is to be used for medical purposes and under strict medical trials in order to assess its usefulness. I have no hesitation in supporting the motion. I understand that that is the view of the Labor Caucus. However, other members may wish to speak for themselves.

Whilst I am not a supporter of addictive drugs being abused in any way, I am confident that the Hon. Mr Elliott's proposal meets the strict requirements and control measures for a successful trial of these drugs for the benefit of all South Australians. The Opposition supports the motion.

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

NATIONAL SCHEMES OF LEGISLATION

Adjourned debate on motion of Hon. R.D. Lawson:

That the position paper on scrutiny of national schemes of legislation be noted.

(Continued from 27 November. Page 581.)

The Hon. K.T. GRIFFIN (Attorney-General): I support the motion. The Government did adopt a policy position on assessing national scheme legislation in 1995. I wanted to put that on the record because it will demonstrate that we are conscious of the consequences of entering into national scheme legislation in a way which may compromise the ability of the Parliament of the State to properly review that legislation.

The policy that the Government implemented states that when considering the method of implementation of national legislation there must be real commercial or practical considerations that require national uniformity. The Cabinet will have regard to the extent to which divergence from uniformity can be tolerated; the cost of implementing the scheme; the effect on the division of powers on Australia's Federal system; the effect on the autonomy of the Parliament; the effect on the jurisdiction of the State's courts; and the administrative law regime under which the uniform scheme will operate.

There is certainly pressure on many occasions from the Commonwealth Government (or Governments such as that of New South Wales) on other States to move in the direction of uniform legislation by seeking to compromise the legislative capacity of the Parliaments of the States. In some instances, the proposals may be appropriate; in many instances they are not.

As a Government we have taken the view that uniformity for the sake of uniformity is not a goal that we would be happy to endorse. It is for that reason that we look critically at any proposition for uniform legislation. In many areas there is no need for uniformity. There may be a need for consistency, but there are still opportunities in some areas where the States' individual requirements could satisfactorily be met, notwithstanding that there is a Federal framework within which a legislative scheme may operate.

There are five methods of implementing national scheme legislation. There is the complementary Commonwealth-State legislation, where States' Bills enact complementary legislation to cover areas that the Commonwealth legislation cannot cover due to constitutional limitations.

There is mirror legislation, which means that the legislation is totally consistent with but not necessarily identical to legislation passed by the Commonwealth and by each State and Territory. There is template or cooperative legislation, where one jurisdiction acts as a host and enacts the legislation. Other jurisdictions pass legislation that applies the legislation of the host jurisdiction. The other jurisdictions may choose to automatically adopt amendments made by the host jurisdiction or, alternatively, the other jurisdiction may retain the right to enact amendments. That model is probably the most difficult, because it means that the State Parliament abdicates any responsibility for the scrutiny of legislation and amendments in the longer term.

There is then the referral of powers, where the States can extend the legislative power of the Commonwealth at the States' instigation, and national legislation results from all States doing that. In this State we now adopt a very cautious approach to the referral of powers. It happens very rarely, and then only when there is no alternative method of dealing with a particular problem that requires legislation.

The fifth method is alternative consistent legislation, where all jurisdictions enact legislation that states that an Act or thing will be lawful if it is lawful in the host jurisdiction. The jurisdictions undertake to repeal or amend existing legislation and refrain from enacting inconsistent legislation. As I say, the State has a policy to be cautious about national uniform legislation and is careful about the way in which such a scheme, if agreed, is in fact implemented.

One of the proposals in the paper is for exposure drafts of uniform legislation, when available, to be made available to the respective Parliaments around Australia. I think that has some difficulties, because exposure drafts are used to assist in policy development. It really involves the encouragement of scrutiny of legislation committees in policy matters. Of course, the exposure draft is likely to change in material provisions as a result of the exposure. I suggest that parliamentary committees are unlikely to be interested in responding to Bills or regulations that are likely to be amended.

The other proposal that is raised in the paper is for a national scrutiny committee to look at all this legislation passed on a uniform basis, but the difficulty again is the likely delay in scrutinising, and of course each State and Territory has a vested interest in some input to that scrutiny process. I think that it is likely to be an unworkable proposition.

In this State, where there is national scheme legislation, I certainly endeavour to ensure that Parliament is kept informed and that, as much as possible, this Parliament has an involvement in the scrutiny and enactment of that legislation. But the Parliament must recognise that one of the attractions to some jurisdictions of template or cooperative legislation is the fact that there will be absolute uniformity, because only one Legislature will deal with it and there is no risk of amendments in a Legislature where a Government of the day supporting a particular scheme does not have the numbers in both Houses.

Notwithstanding that, I must say that the approach taken in the South Australian Parliament has been responsible in that respect, under Liberal as well as under Labor Governments, and I certainly support endeavouring to put as much legislation of a national nature through State Parliaments as may be possible. That, I suggest, is not only my view but also that of the Government, because we are conscious of the need

to ensure that Legislatures are kept involved. I support the motion.

Motion carried.

[Sitting suspended from 5.58 to 7.45 p.m.]

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 953.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their support for the second reading of the Bill. The Hon. Paul Holloway asked about the Government's position on those recommendations of the Electoral Commissioner which have not been included in the Bill. Most of the Commissioner's recommendations have been taken up; some have been modified; and some have not been taken up. The Commissioner also suggested that some matters should be looked at further without making any recommendation. I will briefly refer to the Government's response to those matters which have not been implemented in full and those matters about which the Commissioner suggested further consideration.

At page 11 the Commissioner recommended that mobile voting polling times should be extended to coincide with the period for electoral visitation at declared institutions, that is, three days after the close of nominations. The Bill provides for a period of 12 days, up to and including polling day, and that coincides with the Federal provisions.

In relation to this matter, the Government took the view that it was sensible to try to have an arrangement which was compatible with the Federal provisions. There was no adverse interest for the State, and certainly there was some beneficial interest for electors in a consistency of approach. Limiting it to three days after the close of nominations would not, in our view, have been sufficient time within which to allow mobile voting to occur.

At page 23 the Electoral Commissioner recommends that consideration be given to adopting the Commonwealth arrangements, whereby a candidate must be an elector entitled to vote or a person qualified to become such an elector. The Government gave this consideration and decided that a person who wants to be a member of Parliament should be on the electoral roll. Section 4 of the Act, under the definition of 'elector', provides that an elector is a person whose name should appear on a roll as an elector but has been, by error, omitted from the roll. Thus a person who is not on the roll through no fault of his or her own is not precluded from being a candidate.

At page 26 the Electoral Commissioner recommends that section 45(1) should be amended so that suppressed addresses of candidates or their nominators not be made available to the public. There is a countervailing argument that a person who accepts nomination to a public office also accepts that the nature of that office is a public one which requires disclosure of personal matters such as the person's place of residence. So few persons are affected by the need to suppress their address on nomination that the Government is not persuaded that there is any need for an amendment.

At page 27 the Electoral Commissioner recommends that, to deter candidates who are less than serious in their parliamentary aspirations, the amount of the deposit and number of nominators be reviewed. The deposit required is set under regulation 3 of the Act. The number of nominators is in section 53(2)(b). The Government does not think it is appropriate to deter nominations by increasing the number of electors required to nominate a candidate which, in any event, is likely to be a futile hurdle. The Government thinks there is some sense in increasing the amount of the deposit, which has been fixed at $200 since 1981. An increase in accordance with CPI rises since then would mean that the deposit should be around $450. However, this is something which will ultimately be dealt with in the regulations.

The Electoral Commissioner recommends that changes should be made to the issue of replacement declaration vote ballot papers mislaid in the mail, and he refers to that at page 47. These changes have not been made because replacement papers can supplied by post or, if the voter's circumstances have changed, the voter can attend at a polling booth. At page 50 of his report, the Electoral Commissioner invites Parliament to consider whether to make the practice of conducting two candidate preferred counts at all polling booths a statutory requirement. It is the practice of the Electoral Commissioner to do this, so there does not seem any need to put it in the legislation.

The Electoral Commissioner recommended at page 71 that to achieve uniformity in the laws governing the publication and placement of electoral advertisements a detailed prescription with universal application be developed and embodied in law administered by local government authorities. The Government is not inclined to do this. Section 115 of the Electoral Act provides that a person shall not exhibit an electoral advertisement on a vehicle, vessel, building, boarding or other structure if the advertisement occupies an area in excess of one square metre.

Section 74(1) of the Development Act provides that the Development Assessment Committee or a council can order the removal of advertising signs if the advertisement disfigures the natural beauty of a location or otherwise detracts from the amenity of a locality, or is contrary to the character desired for a locality under the relevant development plan. Subsection (2) provides that an order under subsection (1) may not be made in relation to an advertisement, the display of which is authorised under the Electoral Act. This is a recent expression of Parliament's intention that electoral advertising should not be subject to local council controls and the Government sees no reason to alter this.

The Electoral Commissioner invited Parliament to review the operation of section 116 of the Electoral Act in respect of writers to editors of newspapers and callers to talk-back radio stations. Section 116 provides that it is an offence not to provide the full name and address of a person who takes responsibility for the content of electoral material. Letters to the editor and talk-back programs come within the provision. The Electoral Commissioner pointed out the difficulties in finding a satisfactory solution, and the Government is not convinced that a satisfactory solution can be reached and, accordingly, has not proposed any amendments to section 116.

The honourable member has indicated that he will be moving amendments to provide for the appointment of the Electoral Commissioner by Parliament rather than by the Executive arm of Government. When the Ombudsman Act was amended last year to provide for the appointment of the Ombudsman by the Parliament—which I think everybody recognised was a pretty forward looking step and one which ought to be taken into consideration in the context of other accusations that had been made about the Government's not

wanting to be accountable to the Parliament, referred to earlier this day—I indicated that the Government had taken the view that we should take it one step at a time. We had intended to take that one step in relation to the Ombudsman to see particularly how the committee system operated in conjunction with the Ombudsman, although I certainly would not expect any appointment to be made in relation to the Ombudsman who has certainly not expressed to me publicly, or even privately, any intention to resign. So to the extent that the Ombudsman provisions, in so far as appointment is concerned, will not be tested for some time makes the argument somewhat theoretical at this stage. The Government has not finally concluded a view in respect of the amendments proposed, which I acknowledge are in accordance with the Bill which I introduced into the Parliament in relation to the Ombudsman, and that will be an issue we will address during the Committee consideration of the Bill.

It has been suggested that the Government is adopting an indirect approach to weaken the compulsory voting provisions in the Act. I cannot agree that this is so. Both the Hon. Paul Holloway and the Hon. Michael Elliott argue that the amendment in clause 15 is trying to bring in compulsory voting by the back door. Clause 15 provides that the Electoral Commissioner may, if he is of the opinion that it would not serve the public interest to prosecute an elector for failing to vote, decline to prosecute. This provision is designed to save the needless incurring of costs by the Electoral Commissioner. For example, the costs of prosecuting itinerant electors in remote areas are prohibitive and the costs cannot be recouped. As the Hon. Robert Lawson has pointed out, the Electoral Commissioner could not make a policy decision not to prosecute anybody at all. The Commissioner will have to consider each case on its merits, and that is the essence of this issue.

The Hon. Paul Holloway points out that the penalty for failure to vote has not been increased, and this is the only penalty that has not been brought into line with the new standard scale for fines and expiation fees. It is true that the penalty has not been increased. The Government would be hypocritical if it increased the penalty for failure to vote when it does not believe that it should be an offence at all. The honourable member believes that the penalty for advocating abstaining from voting should be $2 000 or $2 500. However, it would not be logical to provide a larger penalty for somebody who advocates that a person should abstain from voting than is incurred by a person who abstains from voting.

In relation to the issue of voluntary as opposed to compulsory voting, there is no shortage of opportunity for members to vote on that issue which the Government has been quite prepared to put up front rather than seek to do it by the back door. The proposal in the Bill in relation to giving the Electoral Commissioner a discretion is, I think, an important one because the Electoral Commissioner is not liable to direction from the Attorney-General or from the Government in relation to the exercise of that discretion. As a person who is independent in the exercise of his responsibilities under the Act, including whether or not a prosecution should be launched, I would have thought it was fair and reasonable to trust him to make that decision when we trust him to make so many other decisions which are of much more consequence to the electoral system than whether or not someone should be prosecuted for failing to vote.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: Most of them are prosecuted.

The Hon. A.J. Redford: If there were a discretion, there wouldn't be so many Governor's pardons, would there?

The Hon. K.T. GRIFFIN: There are a lot of Governor's pardons, but he does prosecute. I do not think he prosecutes them all. I will not seek to mislead anybody by saying that he prosecutes them all, but he prosecutes a significant percentage of people who do not vote and who cannot give a satisfactory answer or do not reply to the 'please explain' notice.

The Hon. A.J. Redford: Why are there so many Governor's pardons—

The Hon. K.T. GRIFFIN: The Governor's pardons are an Executive discretion and are not the discretion of the Electoral Commissioner. They arise for a variety of reasons. It may be when a person has been prosecuted, they ultimately get the warrant of commitment—pay the penalty or go to gaol—and for the first time they are aware or seriously consider the consequences of the prosecutions which have been undertaken. Many of them which came before the previous Government—there have been a few before us but not so many—do have special circumstances which indicate that, if there had been a reply to the 'please explain' notice, there would have been an adequate reason for saying the matter should not proceed to a prosecution. So, it is in that context that it is sought to give the discretion to the Commissioner.

The Commissioner does have some discretion but, when it comes to someone who lives a long way away being prosecuted, there is not the same discretion as when one might look at someone who might have been ill in hospital or tending a sick uncle or aunt or whatever. It is a genuine provision. Members have seen some sinister consequences in it. I would submit to them that careful consideration of it would suggest if they look at the role of the Electoral Commissioner, both as Electoral Commissioner and as a member of the Electoral Boundaries Districts Commission, he exercises much weightier responsibilities independent of Government in those areas than determining whether or not to prosecute in particular cases for failure to vote.

The honourable member also does not agree with the amendments to section 113 which allow the Electoral Commissioner to apply to the Supreme Court to have a misleading advertisement withdrawn from publication or a retraction published. The Government believes that this is a power that would not be used often, but where there is blatantly misleading material that can be dealt with before the election then it is proper that it should be, rather than waiting until after the election to decide to prosecute. If members look carefully at the amendments to section 113, they will see there is a fairly high hurdle that a complainant has to jump before he or she is able to get to the court on a misleading advertisement.

I acknowledge that the area of misleading advertisements is a particularly sensitive as well as contentious issue. A delicate balance has to be achieved between on the one hand keeping the courts out of the electoral process and on the other ensuring that the extreme cases are properly addressed by some body that is independent of both Government, Opposition and other political Parties and candidates. The Government has sought to achieve that balance. So, I invite the honourable member to look carefully at the drafting of the amendments to section 113, and I am happy to pursue the issues in Committee if the honourable member wishes to do so.

Of course, any form of electoral material is controversial. The Labor Party is circulating quite misleading material in some electorates at the present time in relation to prostitution and the Hon. Bernice Pfitzner—a gross distortion of the facts. Some pamphlets circulated in favour of Labor candidates in relation to self-defence and other so-called law and order issues, again, contain blatantly false and misleading material. In the electoral process, until the writs are issued there is not much that one can do about those, except that there is a forum in the Parliament, if it is sitting, and, if it is not, in the public airwaves and print media or even a counter brochure.

It has always been a vexed question for Governments and political Parties as to how one handles the grossly misleading and in many respects false material that might be published. The laws of defamation frequently will not address that sort of issue adequately because, whilst false and misleading, the statements may not necessarily be defamatory of a particular individual. I know that they are sensitive from all political perspectives, and I know that the Hon. Bernice Pfitzner has already had something to say something publicly—I think in the Parliament—about the way in which her own position has been grossly misrepresented in relation to prostitution.

The Hon. Robert Lawson sought enlightenment as to why the remuneration of the Electoral Commissioner ceased to be determined by the Remuneration Tribunal in 1990. In 1990 a new Remuneration Act was enacted which provided for only the salaries of the judiciary and statutory officers who are required to exercise powers in a manner that is independent of Government to be determined by the Remuneration Tribunal. The Government of the day considered it was more efficient for the level of remuneration of officers, including the level of remuneration of the Electoral Commissioner, to be set by the Governor. The Government of the day was of the view that the change would allow individual contracts to be entered into, having regard to the experience, background, skills and special circumstances of these officers.

The Government has decided that it is appropriate to allow the Remuneration Tribunal to make decisions in relation to the salary of the Electoral Commissioner and the Deputy Electoral Commissioner, although one always has to be nervous about the setting of such remuneration by bodies that are essentially not accountable other than by reference to the report and the scrutiny received in the public media. On the other hand, the Government acknowledges that the Electoral Commissioner is an officer who should not only be independent and impartial but also seen to be, and for that reason we are prepared to propose that the Remuneration Tribunal should now fix his salary and total employment cost.

There are a number of matters which members will raise in Committee, I am sure, particularly in relation to the series of amendments. If I have not adequately addressed the matters raised by members in their contributions at the second reading stage, we can deal with those issues in Committee. Again, I thank members for their contributions on this Bill.

Bill read a second time.

ST JOHN (DISCHARGE OF TRUSTS) BILL

Bill recommitted.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

The Hon. K.T. GRIFFIN: I move:

Page 1, line 21—After 'dedicated' insert 'under the Crown Lands Act 1929, or another Act providing for the dedication of land,'

The amendments which I will move have all been approved by the select committee set up to consider this Bill. They arose out of evidence given by St John Ambulance representative, Mr Sara, and its legal adviser, Mr David Bridges. They have been consulted on the amendments and have indicated that they agree with them. The first amendment seeks to clarify the meaning of the term 'dedicated' as referred to in clause 2. The Bill provides that, if land is dedicated for use by a St John association for a particular purpose, the St John association will be taken to be a trustee holding the land for the specified purpose. The amendment makes it clear that the term 'dedicated' refers to land dedicated under the Crown Lands Act 1929, or another Act providing for the dedication of land.

The Hon. P. HOLLOWAY: I indicate, on behalf of the Opposition, that we support these amendments. We believe that the passage of this Bill is in the public interest. Following the establishment of the South Australian Ambulance Service, there is a need to rationalise the property holdings in the St John Trust. We believe it is desirable that that be done. The people from St John raised a couple of concerns with us about the Bill in its original form. We believe these amendments adequately address those concerns and we are happy to support them.

Amendment carried; clause as amended passed.

Clause 3—'Preparation of scheme.'

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 17—Insert new subclause as follows:

(6) No liability attaches to—

(a) St John; or

(b) the Attorney-General; or

(c) a person to whom St John or the Attorney-General assigns responsibilities related to the preparation, investigation, evaluation or approval of a scheme,

for an act or omission in good faith in anticipation of, or related to, the preparation, investigation, evaluation or approval of a scheme.

This amendment provides an immunity for persons associated with the preparation, investigation, evaluation or approval of a scheme under the Act. The Bill provides that once, notice of approval of a scheme is published, the land the subject of the scheme is discharged from all charitable trusts. The Bill does not provide any protection for St John or any other person against any action which might arise for taking action to prepare a scheme. In a submission to the select committee, St John expressed concern that its members could be exposed to legal action for taking action to put land under a scheme. If any liability was to flow from such action, St John would be hesitant to put land under the scheme and so the rationalisation of properties between St John and the Ambulance Service would be frustrated.

Therefore, the amendment provides that no liability attaches to St John, the Attorney-General or a person to whom St John or the Attorney-General assigns responsibilities related to the preparation, investigation, evaluation or approval of a scheme for an act or omission in good faith in anticipation of or related to the preparation, investigation, evaluation or approval of a scheme.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Costs.'

The Hon. K.T. GRIFFIN: I oppose clause 5 and propose to insert a new clause. I move:

Page 3, line 1—Insert new clause as follows:

5. (1) When a scheme is submitted for the Attorney-General's approval, the Attorney-General may, before investigating the

scheme, require from a person who may benefit from the scheme an undertaking to pay, in whole or in part, the costs of investigating and evaluating the scheme.

(2) Costs payable under such an undertaking may be recovered as a debt due to the Crown.

Concern was also expressed to the select committee regarding the possible impact of clause 5 of the Bill. Clause 5 provides for the Attorney-General to require the reasonable costs of investigating and evaluating the scheme to be paid by a party who, in the Attorney-General's opinion, benefits from the scheme. Therefore, a party such as St John could be required to meet costs in relation to approval of a scheme even if it had not agreed to the costs or to the amount of the costs. Therefore, this amendment replaces the provision with a new clause which provides for the Attorney-General to require from a person benefiting from a scheme an undertaking to pay in whole or in part the costs of investigating and evaluating the scheme. This will ensure that the person is aware of the requirement to pay costs before the scheme has been investigated.

Clause negatived; new clause inserted.

Title passed.

Bill read a third time and passed.

MATHEMATICS AND SCIENCE STUDY

Adjourned debate on motion of Hon. R.I. Lucas:

That this House congratulates the commitment and work of South Australian teachers and schools in both Government and non-Government sectors in achieving outstanding student results in the Third International Mathematics and Science Study (TIMSS) which had South Australia ranked ninth overall in mathematics and seventh overall in science in a survey conducted in 45 countries worldwide.

(Continued from 13 February. Page 931.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the motion. There is no doubt that Australia's and South Australia's excellent results in this world-wide survey are a credit to students, parents, teachers and other staff at schools in both the Government and non-Government sectors. One of the most significant aspects of these results stems from the fact that the survey was conducted in late 1994 and early 1995. That was before the Minister had announced any budget cuts or had a chance to have any drastic effect on the quality of education in our public schooling system. In these results, we can see the benefits of 11 years of Labor's education policy which, in the end, gave us the best public primary and secondary education system in Australia. South Australia had the best class sizes, we improved the teacher:student ratio, we had an excellent record regarding school retention rates, and we ensured budgetary allocations for school services officers who performed a valuable function and, in many cases, took a load off teachers so that they could get on with the job of providing quality education. In relation to school services officers, science is particularly relevant, because in a number of schools SSOs were available to set up experiments and maintain laboratory conditions to facilitate the experimental work, which obviously is an integral part of a good science education.

I was particularly pleased to see that girls and boys throughout Australia did equally well. Recent year 12 results show clearly the capacity of young women to do exceptionally well in science and mathematics subjects. As I have suggested, the overall results are excellent for South Australia. I must say, however, that it is not at all surprising that South Australia compared so favourably with countries such as the UK and the USA. Because of the cultural influences that we receive through the media and our own cultural background in Australia, many people probably think of the UK and the USA as being very well advanced in a range of matters including their public schooling system. The promotion of a couple of prestigious universities in each of those countries probably strengthens that impression, but unfortunately it is a false one. My understanding is that, in recent times, English schools have become dreadfully run down due to the financial restraints experienced in England over the past 15 years of Conservative Governments, even though education is primarily a local government responsibility. In the United States, the situation is different again. Schooling is so much user pays that it is not funny, and there are vast discrepancies between rich and poor schools.

Under the Labor Government, in South Australia we had a genuine commitment to equality. This raises one point which is not clear from the mathematics and science survey. It would be interesting to study the spread of good results across different schools and over a period of time. What I am afraid is happening now is that greater discrepancies are arising between our public schools in South Australia. Funding cuts mean that school councils have to rely increasingly on contributions from parents. It is quite clear that in some suburbs parents as a group are able to contribute far more than parents in some other suburbs.

Although these excellent results are pleasing for us all, it is sobering to reflect that of those students who completed this survey about two years ago statistics suggest that over 30 per cent could possibly leave school before completing year 12. As the Minister is well aware, something needs to be done urgently to fix the problem of falling retention rates in years 11 and 12. Otherwise, when we come to the next world-wide mathematics and science survey, even if we again perform well, the statistics may overlook a growing underclass of young people who are simply not sufficiently educated to become productive and self-sufficient in our society.

I am confident that the Minister would not accuse me of point scoring in my reply to his motion. He made the comment that members should not use this motion to score political points, but he himself indulged in shameless teacher bashing in his contribution.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: Yes, you did.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: The unions and the teachers. In summary, we have before us an excellent set of results from this—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: The honourable member should go back to kindergarten where he might learn a few manners.

In summary, we have before us an excellent set of results from this worldwide maths and science survey, and the results really do reflect well on our schools and everyone involved with them—the teachers, the parents and the children. My concern at this point is that, if South Australia has to put up with 11 years of Liberal public education policies, in future surveys it will probably end up coming some way below Venezuela. I support the motion.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I was not going to respond immediately, but having just heard the—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, I wasn't; I was going to listen to the honourable member's contribution and adjourn the matter to conclude the debate next week. I have referred to this in Question Time, but the shadow Minister's lack of depth is a sad testimony in relation to her capacity in the portfolio. In essence, I said to the Leader of the Opposition and to the Leader of the Australian Democrats, 'We know you criticise everything the Government does. The Government can actually spend $167 million on a teachers' dispute or settlement, and you will oppose that; the Government can commit $15 million in a year for computers, and you will oppose or find something wrong with that. But, for once in your political life, here is an opportunity to put petty politicking and negative, carping criticism behind you for just five minutes and join in the celebration of the achievements of the Government school system in South Australia.'

Sadly, the Leader of the Opposition has to descend to shameless politicking on an issue which should be a celebration of achievement of our teachers, students and schools in the Government, as well as non-government, system in South Australia. In effect, the Leader of the Opposition sought—as did the Hon. Mr Elliott to a degree in his previous contribution as well, but let us concentrate on the Leader of the Opposition for the moment—to indicate that these good results came about from 11 years of Labor Government policies.

The Leader of the Opposition cannot have her cake and eat it too. These test results were undertaken some time in the period 1994-95. The Liberal Government was elected at the end of 1993. For about the last six months or so the Leader of the Opposition has sought to criticise the Liberal Government for the decline in retention rates from 1992 and has indicated that this was due to the Liberal Government having been elected in 1993. On the one hand, the Leader of the Opposition claims that the retention rate decline in 1994-95 is the Liberal Government's responsibility, yet on the other hand she claims that the good results in 1994-95 can be attributed to the previous Labor Government.

The Hon. P. Holloway: That's a very fair proposition.

The Hon. R.I. LUCAS: With a wry smile on his face the Hon. Paul Holloway says, 'That's a very fair proposition': the good things that occurred in 1994-95 are the Labor Government's responsibility, and the bad things that occurred in 1994-95 are the Liberal Government's responsibility. The Hon. Paul Holloway claims that that is a fair assessment—

Members interjecting:

The Hon. R.I. LUCAS: We now see why the Hon. Paul Holloway joins the other 15 or so members in this Chamber who are shadow Ministers for the Labor Party: every player wins a prize in this Chamber. At the moment, about 70 per cent of Opposition members in this Chamber are members of the shadow front bench. As I have said, it is disappointing. This really should have been an opportunity for all members to join in and celebrate. Last week or the week before, the Leader of the Democrats, the Hon. Michael Elliott, also sought to make the point that these results were placed at risk by Government decisions.

The Leader of the Opposition and the Leader of the Democrats really sell short our schools, teachers and students in South Australia. They take every opportunity to be critical of the Government school system in this State and to undertake actions in the public arena which seek to run down that system and drive people in the community away from it. At least in South Australia we have a Government and a Minister, as I am sure you would be the first to recognise Mr Acting President, prepared to defend the Government school system and to highlight the terrific successes in 1994 and 1995 of our year 8 and year 9 students in science and mathematics.

The Leader of the Opposition continues to talk about difficult budget decisions—a reduction of some $40 million in 1994-95—but she does not talk about an increase of $167 million in terms of improved salary and conditions for teachers and schools that will flow through the system this year and next year.

The Hon. Carolyn Pickles: You gave it so graciously!

The Hon. R.I. LUCAS: I am delighted to have settled the dispute in a way which will increase special education assistance for students and flexible staffing in schools, but not in the way that was sought originally by the leader of the teachers union in South Australia. In what was a pretty shabby contribution, I have to say, the Leader of the Opposition sought to indicate that my celebration of the success of teachers and staff and my congratulations on their performance was teacher bashing in some way. Perhaps I was lavishing them with too much praise. It is an extraordinary definition of teacher bashing from the Leader of the Opposition, given that the Government was prepared to stand up in this place and congratulate the teachers and all others involved in our schools in South Australia.

The Hon. T.G. Roberts: There must be an election coming up.

The Hon. R.I. LUCAS: No, we do that all the time. I have challenged the Leader of the Opposition to produce evidence where I have engaged in teacher bashing in South Australia. There has never been such an occasion.

The Hon. A.J. Redford: Because it hasn't happened.

The Hon. R.I. LUCAS: Yes, because it has not happened. There has never been such an occasion. The only people I am prepared to attack are the leaders of the teachers' union movement in South Australia. I have challenged the Leader of the Opposition before and she has not been able to produce one shred of evidence to back up her claim about teacher bashing in South Australia, because this Government and this Minister support teachers and are now implementing a significant improvement in salaries and conditions for the teachers and staff within our schools. I compare that $167 million with a reduction of some $40 million in the 1994-95 budget period.

I am disappointed. Let the record show that the Hon. Terry Cameron and the Hon. Paul Holloway are chortling away, supporting the Hon. Carolyn Pickles in trying to make politics of the matter when I have implored members of the Labor Party not to play politics on this issue. Let the *Hansard* record show that members of the Labor Party, together with members of the Australian Democrats—

The Hon. A.J. Redford: Knock, knock, knockers; they don't know when to stop.

The Hon. R.I. LUCAS: They knock all the time and have sought to make shameless Party politics of something which—

The Hon. T.G. Roberts: Shame!

The Hon. R.I. LUCAS: The Hon. Terry Roberts is prepared to say 'Shame', and let us put that on the public record. I agree with the Hon. Terry Roberts that the approach of the Leader of the Opposition and other members of the

Labor Party during this debate has been a shame. I agree with the Hon. Terry Roberts that the approach of the Leader of the Opposition and other Labor members during this debate has been a shame. I would be tempted to give up in future and not seek publicly to celebrate the achievements of the Government school system because of the slap in the face that the Labor Party and the Democrats have given me on this occasion.

However, I will not be deterred. Whenever I can, I will stand up in this Chamber and move motions seeking tripartisan support to celebrate the achievements of teachers and staff within the schools. I will continue to do so, even if the Labor Party and the Democrats continue to slap me in the face for seeking to defend the Government school system, our teachers and our staff, and to celebrate their success. Indeed, I will continue to do the same thing, even if the Labor Party and Democrats will not join with me in a tripartisan way in celebrating success without trying to introduce a shabby element of Party politicking into what should have been a celebration of success.

Motion carried.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 956.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the second reading of this Bill. The Hon. Robert Lawson raises a number of matters in relation to the Bill, the first relating to clause 5 which amends section 23A by striking out the requirements for the rules to specify a financial year.

The Hon. Robert Lawson questions the desirability of removing this requirement. Proposed section 23A is inserted and supplemented by the new definition of 'financial year' principally because the rules of most associations are not prepared by professionals. The failure to specify a financial year or to inadequately specify is by far the most common flaw in rules lodged with the commission.

The Corporate Affairs Commission repeatedly returns rules to applicants for that reason, often to their annoyance, as it is a commonly held belief that a financial year is from 1 July in one year to 30 June of the following year. The definition in clause 3 operates only where the rules are silent. It is still open for the rules to specify the calendar year as an association's financial year. I should say in passing that a great deal of work went into the definition in clause 3, and it has been suggested to me by my officers that it is the best definition contained in any corporate law.

The next matter relates to clause 7, which inserts new section 24A and which will enable the Supreme Court to vary the rules of an association on application of the association. The Hon. Robert Lawson asks what prompted the amendment, why it is couched in this way and why it is not necessary for members of the association to endorse the application.

The new section 24A is inserted to address concerns raised by some associations where the management claims that the particular association is unable to amend its rules. Most associations amend their rules pursuant to the procedures and requirements set out in their rules. Where the rules are silent, section 24 enables an association to amend its rules by special resolution. 'Special resolution' is defined in section 3. Section 24(1) provides that:

> An alteration to a rule of an incorporated association may be made by a special resolution of the association unless other provision is made in the rules of the association.

The definition of 'special resolution' means,

> where the rules of the association provide for the membership of the association, a resolution passed at a duly convened meeting of the members of the association if at least 21 days written notice has been given and if at least a majority of not less than three quarters of the members vote in person or, where proxies are allowed, by proxy at the meeting; but where the rules do not provide for the membership of the association, a resolution is passed at a duly convened meeting of the members of the committee of the association—again if 21 days notice is given and if it is passed by not less than three quarters of the members of the committee who, being entitled to do so, vote in person or where alternates are allowed by alternates at that meeting.

Whether there are members or no members, a special resolution can suffice to enable that to occur, but there may, for example, be other provisions in a constitution which may not allow members to vote so readily. It may be an association of one or two members and you cannot have a special resolution unless they both agree. There may be a committee of management of one or two, and again you cannot get up a special resolution, and in those circumstances what option do you have? In this Bill we are saying that an application to the Supreme Court will satisfy the need and provide a basis for amendment, subject to certain protections.

In spite of the provisions of section 24 and section 3, and elaborating on what I have just indicated as the possible areas where this power proposed to be inserted in the Bill might be needed, some associations claim that they are unable or are inhibited from changing their rules. Claims are made very infrequently. The Corporate Affairs Commission considers that such claims reflect undue conservatism on the part of management. Those associations would obviously want to act in accordance with their legal advice. The commission does not consider that the provisions will be used at all frequently.

Section 24A provides adequate safeguards for members. The decision is made by the Supreme Court, which must be satisfied that the relevant rule unduly limits the conduct of the association's affairs and the variation is consistent with the objectives of the association, that it will not prejudice any member of the association and that it is justified in the circumstances of the particular case. The court must also have regard to any views expressed by members. The reason why it is not necessary for members to endorse the application goes to the nature of the application.

There is another example where an association may face difficulties, namely, where the rules provide for a relatively high number of members to constitute a quorum and it is, in effect, impossible to gain a quorum at a meeting. There are other situations in which that might be used but, in looking at the amendments, the Government took the view that it was sensible to provide some final mechanism by which an amendment can be achieved if all other mechanisms are unavailable to allow that to occur.

The next matter relates to clause 14, inserting section 41B, which requires a report on the state of the association's financial affairs to be submitted to the liquidator in a court winding-up by members of the committee and, where notice is given by the liquidator, by any officer or former officer. It also inserts section 41C, which requires a declaration of

solvency to be given by a majority of the members of the committee in a members' voluntary winding-up. It inserts section 41D, which requires all members of a committee to verify a statement of affairs in a creditors' voluntary winding-up. The Hon. Robert Lawson contrasts the situation where a majority only of the committee is required to provide a declaration of solvency with the requirement for all to provide a report, where the association is in a court winding-up or in a creditors' winding-up. The Hon. Robert Lawson asked whether it is envisaged that all members of the committee will be required to subscribe to the report under section 41B.

The purpose of proposed section 41B is to ensure that a liquidator has a proper and adequate accounting for the association's assets and liabilities to enable the liquidator to proceed with his or her administration. All members of the committee will be obliged to provide a report either by adopting the same report or by individually providing separate reports. Proposed sections 41B, 41C and 41D are the same as the currently applied corporations law requirements, except that the particular form (be it a report to the liquidator, a declaration of solvency or a statement of affairs) will be prescribed by the regulations under the Act. In the practical application of the current requirements it is not always the case that a liquidator will obtain a report from all members of a committee in a court winding-up, or that he or she will take further action in relation to a failure. There is a need to leave some discretion to a liquidator and the commission.

Obviously, a liquidator will want a report from any member of the committee with the best knowledge of the association's financial affairs and those who have had financial dealings with the association, so that they account for the indebtedness to the association or by the association to them. I am mindful that court windings-up are more likely to be a compulsory process, where the association is not a willing participant. It is inherent in members' voluntary windings-up that all creditors be paid in full. It is appropriate for procedures and requirements to be more relaxed in a members' voluntary liquidation. The next matter relates to clause 14 in its insertion of section 41E, which provides the sanction and penalty for a failure to comply with a provision of the applied corporations law.

The Hon. Robert Lawson presents section 41E as highlighting a difficulty of applying hybrid measures in applying some provisions of the Act, for example, and others by application of the corporations law. He alludes to the fact that the penalty is substantial, a maximum fine of $5 000 or maximum imprisonment of one year. All requirements that relate to members of a committee or its officers are set out in clauses 14 (that is, sections 41B, 41C and 41D) and 16 (in relation to sections 49AB, 49AC, 49AD and 49AF). Proposed section 41E will operate in respect of a failure by an external administrator, typically a liquidator, who fails to fulfil his or her obligations under the applied law and not to committee members or officers.

The next matter deals with clause 16, inserting section 49AB, which provides for a number of offences in relation to a failure to disclose and deliver up property to an external administrator, and for pledging property in similar conduct. The Hon. Robert Lawson states that the provision is draconian. He suggests a change to paragraph 49AB(1)(f), which provides the offence of preventing the production of a document relating to the affairs of an association. He effectively suggests that the elements of 'knowingly' or 'fraudulently' be added to the provision. I would like to draw the honourable member's attention to the fact that the provisions of proposed section 49AB reflect the current requirements of corporations law. Proposed section 58A provides a general defence to an offence against the Act. It will be a defence to show the offence was not committed intentionally and did not result from a failure to take reasonable care.

The next matter relates to clause 16, inserting new section 49AC, which deals with a failure to keep proper books. The Hon. Robert Lawson expressed concern at the requirements of the provision and made no suggestion for change but sought my comments. Proposed section 49AC reflects the situation which currently applies through application of the corporations law in respect of a failure to keep proper books and records during the period leading up to insolvency and other forms of external administration. It recognises that it is more serious to fail to keep proper books and records during those circumstances by providing a higher penalty than is the case where insolvency is unlikely, that is, in the normal day-to-day operations of a solvent association when the provisions of section 39C of the Act operate.

There is one further matter to which the honourable member referred—more as an expression of opinion of principle than a particular criticism of the Bill or the principal Act—and that is the way in which the corporations law provisions are identified and applied. In looking at amendments to the Act, the Government took the view that it was desirable, as much as it was possible to achieve this goal, that citizens reading the Act should be able to gather information about all of the matters which affected their operation as members of either an association or of the committee of management of an association. But to do that would have meant that a quite substantial package of material, presently referred to in this Act but included in the corporations law, would have had to be included. So, we tried to achieve a balance, that is, those provisions that were more likely to be of relevance to the day-to-day operation of an association we should seek to put into the South Australian Act, not by application of the corporations law but expressly, and those matters which were of perhaps less day-to-day significance, such as the order of priority of debts in respect of a winding up, could stay in the corporations law and be applied as the law of South Australia under the Associations Incorporation Act, and that would achieve a satisfactory balance.

That is the philosophy. Ideally, we ought to have all of the law which applies in relation to associations in the one piece of legislation, but it would be a huge volume if we were to do that in relation to those areas which, as I say, are not likely to be required by members of an association in their day-to-day administration of the affairs of the association. I hope that now satisfies the questions and comments of honourable members in relation to the Bill. I am happy to take it further in Committee if necessary.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Contents of rules of an incorporated association.'

The Hon. R.D. LAWSON: I thank the Attorney for his explanation. The Attorney answered a query I had in relation to this clause, and I noted his observation about the new definition of 'financial year'. I do not propose to take any further step in relation to the matter. One function of an Act such as this is that it defines, for the benefit of people wishing to draft the rules of incorporated associations, a sort of a

code, by listing those sorts of things you ought to include in the rules. One thing that would be useful to have incorporated in the rules and to have in the checklist of matters to be included is the financial year of the association. I note the comment that many rules are not professionally prepared and are lodged with that information missing, but it is odd that the proponents of an association, whether or not they are professionally advised, do not have regard to the very useful checklist that is already provided by section 23A of the Act which provides the rules of an incorporated association and then lists them. It is curious that we should be removing only the requirement to specify the financial year and leaving intact all the other items.

The Hon. K.T. GRIFFIN: I acknowledge the substance of what the Hon. Robert Lawson has said. The advice I have from the Corporate Affairs Commission is that by far the most common failure of those who prepare rules—and, as I have indicated, many of them are lay persons—is not to include the financial year. So, because 'financial year' is defined in section 3, the commission recommended—and I have agreed with the proposal—that we rely on the definition. If the rules include a financial year that is different from that, then that is fine. Some rules are professionally prepared, but many are not. In those circumstances I do not see that there is a problem with the proposed clause.

I do not know any other way that one can develop a higher level of compliance. As the honourable member says, section 23 has a good check list; the problem is that even good check lists are not necessarily followed by citizens, and that relates not only to associations but to a whole range of other areas of the law. People just do not apply their minds, for one reason or another, to following check lists.

Clause passed.

Clause 6 passed.

Clause 7—'Court may order variation of rules.'

The Hon. R.D. LAWSON: My second reading speech referred to some difficulties I had with this new section which empowers the Supreme Court, on the application of an association, to vary the rules. As the Attorney has noted, ordinarily the rules will be amended in accordance with the constitution. A meeting will be called and the rules will be varied if the appropriate number of members supports it. Of course, there are some cases, especially older cases, where the rules do not provide any mechanism at all for amendment. However, existing section 24 provides that an alteration may be made by special resolution unless some other provision is contained within the rules.

Upon thinking about the matter following my second reading contribution, it occurred to me that some major charitable trusts in South Australia were in fact incorporated and the assets of trusts vested in incorporated associations under very similar legislation, certainly since late in the nineteenth century. It was then thought that the Associations Incorporation Act provided a good mechanism for trustees to be incorporated in effect. Many of those trusts do not have any members at all. The committee of management of the association is really the trustees and, very often, the committee still designates itself 'trustees'.

Because these are very substantial associations and because they do not have any members but are in fact self-perpetuating organisations, it seems to me possible that this rule will apply to those organisations. In fact, it is very likely that it will apply only to those associations in effect. It is suggested by the Attorney that one difficulty this section will overcome is where the rules provide for a relatively high number of members to constitute a quorum. This is quite a different problem and it is somewhat of a concern.

For example, if the rules of an association say that the quorum is 10 per cent or 20 per cent of the members, which might have been reasonable when there were 20 or 50 members but now there are thousands, it may well be very difficult to have a quorum, and this section might be used by such an association to overcome the quorum questions rather than, for example, to conduct a postal ballot or some other formal mechanism.

There may well be cases where the rules do not provide for members at all, and the protection being offered by this clause, namely a meeting of members at which the purposes of the proposed application are explained, will really not have any effect. I note that it provides in subclause (2) that, where the rules of the association provide for the membership, this mechanism applies, but there will be early cases where we will find that the rules of incorporated associations do not provide for any membership at all. I am looking for some reassurance from the Attorney-General that these issues have been considered and that the safeguards are adequate.

The Hon. K.T. GRIFFIN: Those sorts of issues, not specifically but by their nature, were given consideration. The ultimate protection is that the Supreme Court has to be satisfied that the rules unduly limit the conduct of the association's affairs, and variation of the rules is consistent with the objects of the association, will not prejudice any member of the association, and is justified in the circumstances of the particular case. I suppose there are a number of possibilities. If, for example, the membership of an incorporated association used to be large, maybe thousands, and the quorum was set at a fixed number of, say, 500, but if it now has only 450 or 550 members, it may be that in those circumstances it is impossible to get a quorum and the affairs of the association may be stifled.

It may be, on the other hand, that there is provision for amendment of rules but by a number of members not less than a fixed number which might be impossible to achieve. So, there are those sorts of circumstances where the Government took the view that we ought to have some mechanism by which we could deal with them. They will be rare. If the honourable member has any other examples, I am happy to indicate that, before the matter is finalised in the House of Assembly, I will have them looked at, but I doubt that there is any problem.

I am conscious of the fact that there are incorporated associations that do not have members. In fact, when the principal Act came into the Parliament in 1985 and was debated, I can remember specifically moving amendments which ensured that an incorporated association could be an incorporated association without members, because my own experience indicated there were a number of associations, such as charitable trusts, incorporated without members, whether charitable, religious or otherwise. So, in 1985 the recognition that an association does not have to have members was hard for officers to accept, but finally I was able to persuade them that there were such associations.

I recognise that there may be some issues with which my officers and I are not familiar in terms of the sorts of trusts to which the honourable member refers. Because we want to get this through before Easter, if he does have any information which ought to be considered with a view to making any further amendments, I would be happy to give that consideration as a matter of urgency.

Clause passed.

Remaining clauses (8 to 21), schedule and title passed.
Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

In Committee.
(Continued from 25 February. Page 953.)

Clause 2—'Substitution of s.15.'

The Hon. K.T. GRIFFIN: I move:

Page 1, line 15—Leave out the heading to proposed new section 15 and insert the new heading 'Self-defence'.

When the Bill was the subject of consultation, the heading was drawn to my attention as in itself raising some questions as to what is bodily integrity, for example. As a result of the discussions, and rather than raising complexities in interpretation if someone one day wished to challenge what it actually meant, I have taken the decision that we should amend the heading to simply 'self-defence'. That will avoid the potential for debate about what some of the words in the heading actually mean.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 1, line 20—Leave out 'reasonably.'

This amendment will clearly be the test case for all subsequent amendments: if this one fails I do not wish to proceed with the others. Having unsuccessfully opposed the Bill at the second reading stage, in Committee the Opposition falls back to a position where it now seeks to exempt the home invasion or burglary scenario from the intended impact of the Bill. The series of amendments on file in my name are all tied to the one idea. The amendment before us deletes the word 'reasonably' in clause 2 (proposed new sections 15 and 15A), but replaces that with what we believe is a clear expression of what the Attorney is trying to achieve with his Bill.

In respect of both sections 15 and 15A we express the test as follows: if the defendant genuinely believed a threat to exist, the question of whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to objective standards of reasonableness. In other words, even where the defendant believes a threat to exist, the defendant will not be excused for overreacting even if they believe sincerely that they were only doing what was necessary to stop the threat.

If a woman in a domestic situation has been beaten savagely 100 times by her violent partner, she will not be able to rely on a self-defence argument if she plunges a knife into the chest of her assailant, assuming that the threat she perceives is something short of death. It would do the woman no good to say that she felt she had to put an end to the relentless beatings or that she feared that they would ultimately get worse. The Opposition is not necessarily happy with the result that this woman will not be done for murder, but the Democrats' support for the Government's amendments up to this point suggest that the Government's new self-defence provisions will prevail in a majority of cases.

We seek to make an exception, however, in the case of an intruder coming unlawfully onto someone's private property. That is to say, we distinguish the situation of home intruders from the street brawls and domestic violence situations, which the Attorney referred to when he introduced the Bill. At least in these situations we say that the person defending themselves or their homes should have the benefit of a subjective view being taken of the proportionality of their response.

If the home owner is confronted with an intruder in their bedroom doorway in the darkness and the home owner is confused and panicking and reaches for a weapon to defend herself or himself in the face of an unknown danger, the Opposition's position is that the law should not judge too harshly the person sincerely defending their home and family. We take this one step further by giving an alternative defence based on an objective appreciation of the threat with which the home defender is confronted. For example, if the defender believes the thug who has broken into their home is unarmed, but a knife is used against the intruder, if it is later discovered that the intruder had been about to shoot the home owner with a pistol, then the self-defence argument could apply.

In summary, the Opposition proposes that special consideration be given to defendants who inflict harm on an intruder in defence of themselves, their family and their home. That is why we are essentially keeping to the 1991 self-defence law in respect of defendants who respond to threatening trespassers.

The Hon. K.T. GRIFFIN: I want to make some comments of a general nature about the Bill at this stage. First, I re-emphasise a point that I made in the second reading debate. The impetus for this Bill came from those people who have to work with the law, and it came from those who prosecute, those who work as defence counsel and, above all, those who have to explain the law in a commonsense way to ordinary citizens who sit as jurors and who have to make vital decisions about the administration of law and justice in this State. The impetus for this Bill did not come from any Party-political ideology or some kind of arbitrary feeling about law and order. I have tried throughout this process to take a non-partisan and consultative approach to the amendment to the law and I am disappointed that some at least have chosen to ignore the spirit in which this Bill was introduced and have instead tried to distort both the effect of the Bill and the Government's motives in introducing it.

Secondly, I have been particularly disappointed by the attitude and actions of the Opposition in relation to this Bill. The Opposition indicated that it opposed the Bill at the second reading stage and indeed required a division on the question. That sits right and I have no quarrel with the exercise of that right, but in that context though I make the point that the Opposition has now produced a set of amendments, effectively at the last minute, after the Bill has been on the Notice Paper since 14 November last year, and despite the fact that both in public and private I have had some discussions with the shadow Attorney-General and invited him to make suggestions, and I have acted upon one of the suggestions he has made. But notwithstanding the fact that the amendments have come late, I have circulated them to those whom I originally consulted in detail about the Bill. I did not make any comment and I did not do any editorialising on the amendments but merely sent the amendments and said, 'Let us have your response.' Those who were consulted were the Director of Public Prosecution, the Law Society, the Bar Association, a representative of the Supreme Court judges and Mr Leader Elliott of the University of Adelaide.

The Hon. M.J. Elliott: Did you send one to Bob Francis?

The Hon. K.T. GRIFFIN: I gave some consideration to that. I am always happy to talk to Bob Francis, as I am happy to discuss the issues with Mr Michael Atkinson on Bob

Francis's show. The problem is though that there does not seem to be a willingness to at least understand the argument.

The Hon. Carolyn Pickles: It is a little bit late at night.

The Hon. K.T. GRIFFIN: It is a bit late at night, but nevertheless I am up, although I must say I do not really have the time to be listening to 5AA late at night; but I am happy to participate in discussions. The difficulty when I debate the issue on air with the shadow Attorney-General (Mr Atkinson) is that he constantly repeats a falsehood, and that is that we are going back to the position prior to 1991 and that we want the old common law. On each occasion, and particularly more recently on 5AA on Sunday night nearly a fortnight ago when Rex Leverington was on, I had to say to Mr Atkinson, Mr Leverington and all the listeners that what Mr Atkinson was saying was in fact a lie and that we are not going back to the pre 1991 position. We are not going back to the common law position. The decisions are to be taken on the circumstances as the accused—the home owner, the person seeking to avail himself or herself of self-defence—genuinely believes the circumstances to be.

What we are seeking to do in this Bill is what I have said all along, and that is to try to guard against those circumstances where someone goes quite over the top. Already in the present section 15 of the Act is a provision which deals with excessive violence or excessive force by way of reaction and also with issues of criminal negligence, issues which everyone I have consulted has said—and really which triggered the consultation in the first place—are just incapable of simple explanation. It was that which drove me to try to work through what would be a better way of dealing with that and, of course, a reasonably proportionate reaction and force is the outcome of that.

Everyone would have read Mr Leader Elliott's recent contribution to the *Advertiser* in which he said that he wanted to go back to the pre-1991 position and introduce objectivity as the criterion, but he was not prepared to acknowledge that even the 1991 legislation was based upon a reasonable principle.

I want to place on the public record my gratitude to all those people to whom I have referred—the Director of Public Prosecutions, the Law Society, the Bar Association, representatives of Supreme Court judges, and Mr Leader Elliott—for their willingness to consider the proposed amendments and give me their response in a very short time. They are all united in their opposition to the proposed amendments. For those reasons and for reasons which I will spell out in detail, I indicate that the Government will oppose all the amendments proposed by the Leader of the Opposition.

The first amendment is to leave out the word 'reasonably'. This amendment and the other three, which are identical in effect, I suggest are mysterious in their motivation, so far as I can tell. The amendments can be considered sensibly only in the light of the first half of the other major form of amendment, which is to add a new clause, in effect, to define what is meant by 'proportion'. I cannot tell what is desired by arranging the provisions in this way. There are two points to be made about the proposed amendments considered as a whole. First, in the general law of self-defence, 'proportion' is seen as a component of necessity rather than the other way around. Hence, in the case of *Train* (1985 18 Australian Criminal Law Reports, page 323 at page 326), Mr Justice McGarvie said:

> Of course, the question whether the act of the accused was reasonably proportionate to the believed danger is merely a particular application of the question whether the act was reasonably necessary given the perceived danger.

The honourable member's amendment appears to have the concepts the other way around. I suggest that that is bound to lead to confusion.

The second point that I want to make is that the Bill, as the subject of consultation, was originally drafted in such a way that the test was expressed in terms of reasonableness, and reasonableness was defined in terms of proportion. At the request of the shadow Attorney-General in one of our public discussions—it may have been a private discussion—the definition was collapsed into the test before introduction so that the Bill now provides what was previously the test and the definition together. It now appears that the Opposition wants to split them again by changing the wording in a subtle way. I ask the honourable member if she has obtained expert legal advice on the precise effect of her amendments and, if so, whether she is prepared to make that available so that we can have a look at it and work out the rationale upon which it may be based.

I will deal with the other amendments because they form part of a package. In clause 2 (page 2 after line 12), the Leader of the Opposition proposes to introduce a clause and an exception. The first part is best considered as part of the previous amendments, and I have already addressed that matter. I now address that part of the amendment which is entitled 'Exception'. The intention of this part of the amendment is clear. The Opposition desires to have special rules which in its opinion are less onerous in their requirements and which apply to a general category which generally and for the sake of convenience we might call 'householders defending their home'. I have the following questions for the Leader of the Opposition regarding this amendment. First, why are home invasions to have special rules and not, for example, lone females defending themselves against stranger rape, wives defending themselves against domestic violence, or police officers defending themselves against violent arrestees?

Secondly, would the exception apply to a police officer using force against a trespasser? Why should it make any difference to the powers of police to use force whether the suspected criminal were a trespasser or not? Thirdly, what is meant by a 'trespasser'? Does it mean civil trespass or criminal trespass or both? If it means civil trespass, why should it matter whether a person is an invitee, a licensee or a trespasser? Does the honourable member seriously contemplate that the trial judge will direct the jury on the technical differences between an invitee, for example, and a trespasser and that the Crown will bear the burden of proof beyond reasonable doubt on these technical civil law matters, or will the jury have to be directed on the interpretation of the criminal trespass provisions of section 17A of the Summary Offences Act?

Fourthly, it seems that the exception is limited to the case in which the person is an actual trespasser. What will be the position if the accused thinks wrongly that the person is a trespasser and it turns out that the person is not a trespasser? Fifthly, why, if the exception extends to repelling a trespasser, does the exception not extend to those who are trying to prevent an attempted trespass? Sixthly, would it not be simpler and yet achieve the same effect—which I do not support—if the exception simply read: 'There is no requirement of proportionate response if the accused responds to the act of a trespasser'? That would say the same thing and

reduce the amount of confusing and unnecessary words, phrases and concepts involved.

The seventh question is: does the defendant have to prove that he or she was the occupier of the land or otherwise lawfully entitled to be there, or does the Crown have to disprove that beyond reasonable doubt? How exactly would a prosecutor disprove such an assertion? What is the onus of proof on the accused? The eighth question is: is it a result of this exception that a defendant will be entitled to self-defence against a trespasser even though the reaction was unreasonable and even though the accused knew full well that it was unreasonable? If that is not the result, why not?

I conclude with an example which has been given to me and which I think shows the possible unintended consequences of an exception such as that proposed. Suppose a bouncer ejects an obstreperous patron from a club. The patron returns, the requirements of the proposed exception now fulfilled. The patron is now a trespasser, and the bouncer is on premises with the permission of the occupier. The bouncer can use the proposed exception and use whatever it is that the exception provides as the standard for the use of force. I do not suppose that in moving this proposed exception the Opposition intended to give greater licence to bouncers and private security guards, but that will be one effect. Is that really what is intended? This exception is not only uncertain in scope but will result, again, in confusion of the jury, complication of the law and in possibly complex trials. Like the other amendments, it will be opposed.

I refer to my initial comments, because I know this is a difficult issue. One might have expected that if we on the Government side were to play politics with it we would have said, 'To hell with any amendments; we will just let the judges, the juries, the prosecution and the defence stew in their own juice—let them work it out—and not worry about trying to do something which we believe is reasonable and proper to clarify the law.' That would have been the simple solution. I would not have had a whole range of people bombarding me saying, 'You will no longer provide protection for home owners' and misrepresenting the position. That is a fairly emotive and easy position to put. But I have taken the advice and considered personally the issues which have been raised in relation to the difficulty with the existing law. We have sought to propose amendments to the law which will retain the essential ingredients of the present defence of self-defence and which try to make it more intelligible in terms of a proportionate response so that we guard against the law being a licence to kill or a licence to act out of vengeance and dress it up as self-defence.

The law as proposed in the amendment relies upon the circumstances as the defendant or the person seeking to avail himself or herself of the defence genuinely believed them to be. There is no element of objectivity in that at all. The only element of objectivity is in the level of force which is permitted to be used in the reaction to the threat. But that must be judged according to the circumstances as the defendant genuinely believed them to be.

So, we have protected those who seek to defend themselves in their home, and we have sought to provide an intelligible response to the difficulties which have been received. I therefore plead with members opposite that it is time to stop playing politics on home defence and that it is time to get down and deal with the reality of this and to try to take a sensible and responsible approach to this issue.

The Hon. R.D. LAWSON: I, too, will on this opening clause address some general remarks to this Bill. The Attorney has already highlighted the anomaly inherent in the amendment proposed by the Leader of the Opposition which seeks to make an exception for home owners. The Attorney has already drawn attention to the fact that it is quite anomalous to protect the home owner or householder as opposed to the lone woman, the police officer, the security guard or any other class of person who might have to rely upon the defence.

It seems to me that the exception provided is really a licence to all sorts of householders, including the householder who might be a drug dealer who sleeps with a Colt 45 under his pillow or the landowner who has a crop of some illicit substance and who might seek to rely upon the trespass, or the alleged trespass, of someone coming to remove, as he believes, part of his crop. It seems to me—

The Hon. A.J. Redford interjecting:

The Hon. R.D. LAWSON: That's right. The honourable member refers to the Grossers of this world, being a person who was—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The jury got it right. He is well and truly behind bars. I understand that in Grosser's case the police officer knocked on the door, to be shot six times. It seems to me that this exception, seeking to protect the home owner, is really just designed to be a populist measure, because there is obviously a great deal of support amongst talkback radio listeners for protection of the home owner, but the home owner is not always only the little old lady who might be defenceless. There are many home owners who are well armed.

It also seems to me that introducing into this exception the notion of the act of a trespasser without defining precisely what is meant is fraught with danger. It might be interesting for the Opposition to realise that the predecessor to this provision is the one section that the court has said can be handed to the jury for the jury to figure out for themselves. That was in the 1995 case of *Harvey*. What would an untrained jury make of this exception? How would it apply this complex formula, which is the attempt of somebody to draw up, in advance, rules which will apply to vastly different circumstances?

It seems to me that one of the great defects of this amendment is that it speaks of 'trespasser' without defining what it is. The Bill itself does have a definition of criminal trespass, as I recall it, in new section l5A, the provision dealing with the defence of property, where it speaks of criminal trespass. However, the Bill itself does not speak of trespass in this provision.

In relation to this matter, we have introduced for the first time, as I understand it, the notion of defensive purpose. Defensive purpose is well known to the law but I ask the Attorney whether there is any other legislation in which that term is used and whether there is any judicial definition of 'defensive purpose'. I appreciate that subclause (3) provides that for the purpose of this section a person acts for a defensive purpose in certain circumstances, but is there any other wider definition of 'defensive purpose', or is it intended that the definition provided in this clause will be the all-inclusive definition? It does seem to be a little odd that it provides that a person acts for a defensive purpose if a person acts in self-defence. Self-defence is not specifically defined but by inference, presumably, it means in accordance with the opening words of new section 15. I do support the scheme of new section 15 which now provides a defence to the charge rather than the previous provision which provided that 'a

person does not commit a defence if. . . '. This clause now makes it specifically a defence, but I ask the question: how will defensive purpose be interpreted?

The Hon. M.J. ELLIOTT: I agree that the Government has set about clarifying but not changing the law. That is quite plainly the case in relation to this legislation. The courts always set out to frustrate these things: Parliament tries to clarify the law yet the courts set about proving that, in fact, it had not been clarified at all or that it requires new clarification.

That aside, when I look at the Opposition amendments it seems to me that there are all sorts of dangers, and I invite either the Leader of the Opposition or the Attorney-General to respond to these. In relation to the question of trespass, I understand that if my car broke down in the country and I entered a property, technically I would have committed a trespass. I would be on the land with no malice aforethought seeking some help because my car had run out of petrol but, if I get shot, this person could say, 'In my state of mind I perceived a real threat.' It appears to me that the interpretation of this clause would allow that situation to occur.

Another example is that I could be camping on someone else's property. I am lawfully on the land, with permission. If someone on the property was shooting rabbits, I could feel that that put me at some sort of risk and I could shoot them; and I think that would be quite legal. I have been camping on several occasions and people have been rabbiting in the vicinity. And, although it has frightened me, it seems to me that I could probably construct a case where I could get out my gun and shoot them because in my state of mind, and being fearful, I felt I was under real threat and sought to do something about it.

The Attorney-General has given any number of examples where this can be interpreted in such a way that I would have hoped the Opposition did not intend it, but at the very least the kindest thing that one could say is that the drafting is very loose or that whoever has done the drafting has been asked to do the impossible because it has opened up a Pandora's box of what I assume are unintended consequences.

The Hon. A.J. REDFORD: I oppose the amendment and will briefly raise two aspects. In my second reading contribution I invited the Opposition to say how it would direct a jury. In my second reading contribution I stated:

> In the situation of a person arriving home, finding a man on his premises having either murdered or attacked his children and in the process of attacking his wife, shooting that man on a couple of occasions and immobilising him and then firing two further shots, thereby killing that man, what direction would the honourable member give a jury in that situation?

I am disappointed that I did not receive a response to that question. The reason I have not a had a response to that question is that, based on the Opposition's amendment, that person would be acquitted. I cannot see any basis for an acquittal in those circumstances on a charge of murder.

The Opposition, in its mischievous approach to this whole issue, is seeking to yet again completely underestimate the basic intelligence of an average jury in dealing with factual situations. If you have a factual situation where someone does not act proportionate to the threat that they genuinely or subjectively believe and acts disproportionately, a jury in its reasoning will probably not accept a submission that a person had that genuine belief. In other words, if you have a situation where a person genuinely believes that they are being attacked by someone with a pocket knife and they decide to bring to bear force way beyond that proportionate to the threat, from my experience it is very likely that a jury will not accept an assertion on the part of the defendant that that defendant genuinely believed that that person's life or someone else's life was in danger.

In expressing my disappointment, I ask the Attorney whether there is a risk, if this amendment gets up, that people will be able to respond to threats in a manner out of proportion to that threat and still be liable to an acquittal in the sort of circumstances that I invited the Opposition to comment upon in my second reading speech.

The Hon. R.D. LAWSON: The amendment seeks to delete 'reasonably' before 'proportionate'. Would the Attorney agree that to delete 'reasonably' in that context makes the word 'proportionate' meaningless? The provision would then read:

> As a defence to a charge, if the conduct was in the circumstances as the defendant genuinely believed them, proportionate to the threat. . .

The Hon. A.J. Redford interjecting:

The Hon. R.D. LAWSON: Yes. It is necessarily proportionate. It might be excessively proportionate or less than excessively proportionate, but one has to qualify 'proportionate' in some way, otherwise it is a meaningless concept in this context.

The Hon. K.T. GRIFFIN: In relation to what the Hon. Robert Lawson is suggesting, to be fair, the deletion of the word 'reasonably' must be read in conjunction with the amendment to insert a new subclause (4)(a). If a defendant genuinely believed a threat to exist, the question whether the defendant's conduct was proportionate to the perceived threat is to be decided by reference to objective standards of reasonableness. To that extent there is a coherence between the two, much as I would like to suggest that there is not. But, for the reasons that I have already indicated, the amendments are substantially defective. In response to the Hon. Angus Redford, the answer so far as we can gather is, 'Yes', and I can take it no further than that.

In terms of the Hon. Michael Elliott's question about what is a trespasser (and he referred to his car having broken down and his going onto property to seek assistance), I am not sure that I will give him much joy in the answer, because what is and is not a trespass is really a technical question of civil law. It depends on the facts of every case. It might, for example, depend on whether you use the front gate and a pathway or roadway, or whether you use the back gate or climb a fence.

The Hon. M.J. Elliott: Or you want to go across the paddock.

The Hon. K.T. GRIFFIN: Across the paddock, over the fence, or whether, as in one High Court case, you may have been told that strangers are not welcome. The point I am making is the very one that concerns me; that is, that it is complex, technical and open to doubt on the amendment. I cannot give a clearer answer than that; just to raise the questions. In terms of the Hon. Robert Lawson's first contribution, there is no technical judicial definition of 'defensive purpose' that I am aware of. What the common law courts tended to do was emphasise that the purpose of the use of force must be defence as opposed to revenge, anger and like motivations. We are really seeking to encapsulate that emphasis, and I do not know how more clearly we can describe it without making it more complex and without also raising other technical questions that might then be the subject of even more litigation. We have tried to reflect the concepts and the flavour without seeking to be overly technical.

The Hon. CAROLYN PICKLES: I am very disappointed that the Government and the Australian Democrats cannot support the very serious attempt by the shadow Attorney-General to address what are quite widespread community fears.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: The Hon. Mr Elliott interjects. It is quite clear; he has already indicated that he will not support the amendments. The Hon. Mr Elliott referred to the question of trespass, and my advice is that the interpretation of trespass is that it is commonly understood to be wrongfully on premises and without lawful excuse. Clearly, that is a very common understanding. The Attorney has asked eight quite complex questions. If he would like me to address those and would be prepared to give them to me in writing, we can adjourn this on motion and come back later this evening and deal with those answers, if he wishes to do so. They are quite complex questions and I do not have the answers before me. He has asked eight questions one after the other. It would seem to me that the Attorney is very sensitive about the member for Spence's success on the late night Bob Francis program.

Members interjecting:

The CHAIRMAN: Order!

The Hon. CAROLYN PICKLES: I am pleased to hear that he is willing to go on the program and debate the issue with the member for Spence, but I am not sure whether he has done so and whether—

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: I am not sure why you were unsuccessful in your attempts to be on the same program as the member for Spence because I am sure he is prepared to take you on any day on any issue, I am sure he will give a spirited defence of his proposition and I am sure he will receive widespread public support. It seems that we are looking at a complex issue. The legal people in this Chamber have sought to make it into an even more complex issue than it is. The Opposition has tried to respond genuinely to what is widespread community fear on this issue.

The Hon. A.J. REDFORD: On radio talkback on 16 February last, the member for Spence, Michael Atkinson, stated:

> The current law we have is very clear indeed. It is good law.

Does the Attorney-General agree with that statement? To the Attorney's knowledge is there anyone—other than the member for Spence—who has gone on the public record and agreed with what the member for Spence has said?

The Hon. K.T. GRIFFIN: I do not know of anyone else and, in fact, what Mr Atkinson is doing is creating fear. It is all very well and to beat up fear but, if you cannot talk reasonably and sensibly about it, then you are really doing a public disservice. In terms of the Leader of the Opposition's suggestion that we might defer further consideration of this, I would like to get it moving and down to the House of Assembly. The questions are now on the public record and I invite the member for Spence, Mr Atkinson, to give attention to the questions and see whether he is prepared to answer them in the context of the amendments which no doubt he would be at least familiar with; perhaps he was even their originator. I would like to get on with it and get the Bill down to the House of Assembly. This issue has been around for the past 18 months or so and it is time to get it resolved.

The Committee divided on the amendment:

AYES (7)

Cameron, T. G.	Crothers, T.
Levy, J. A. W.	Pickles, C. A. (teller)
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	

NOES (10)

Elliott, M. J.	Griffin, K. T. (teller)
Irwin, J. C.	Kanck, S. M.
Lawson, R. D.	Lucas, R. I.
Pfitzner, B. S. L.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

PAIRS

Nocella, P.	Laidlaw, D. V.
Holloway, P.	Davis, L. H.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. CAROLYN PICKLES: Following that shattering defeat of what was a very sensible amendment, I no longer wish to proceed with my amendments.

The Hon. K.T. GRIFFIN: I move:

> Page 2, lines 14 and 15—Leave out 'establishes beyond reasonable doubt that the defendant is not entitled to the defence' and substitute 'disproves the defence beyond reasonable doubt'.
>
> Page 3, lines 15 and 16—Leave out 'establishes beyond reasonable doubt that the defendant is not entitled to the defence' and substitute 'disproves the defence beyond reasonable doubt.'

Both amendments relate to the codification of the burden of proof and are technical in nature. In the process of consultation with the legal profession, some concern was expressed with the phrasing of the burden of proof sections, and in particular to the phrase that the defendant was entitled to the defence. These amendments are designed to overcome that objection and have been circulated to and agreed with the Bar Association, the Law Society and the judge representing the Supreme Court.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

MEMBER'S EDUCATION

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: I understand that the member for Spence, Mr Michael Atkinson, in describing my role in this Bill, and indeed the Hon. Robert Lawson's role, referred to me as a private school lawyer. I put on record that I have never attended a private school in my life. I am a proud product of the public school system, and I understand that the Hon. Robert Lawson also falls into that category. I want the record put straight.

LEGAL PRACTITIONERS (MEMBERSHIP OF BOARD AND TRIBUNAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 February. Page 920.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The Opposition has not had time to consult fully on this Bill to this stage, but the evidence before us in this Bill clearly warrants bipartisan support. The changes to requirements for members of the Legal Practitioners Conduct Board and the

Disciplinary Tribunal are reasonable. The Opposition does not consider it essential that members of those bodies hold a current practising certificate, but it is important for members to be experienced lawyers with a clean record.

Equally sensible is the amendment that allows the tribunal to continue in respect of a particular hearing despite the loss of a tribunal member for whatever reason. We do not consider that lawyers brought before the tribunal would be disadvantaged by this provision which, after all, reflects the situation which applies in Full Court hearings in the Supreme Court. We support the second reading.

The Hon. R.D. LAWSON secured the adjournment of the debate.

STATE RECORDS BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 30—Insert paragraph as follows:

(ba) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or.

This amendment makes clear that collections such as those in the Mortlock Library are not included in the definition of 'official record' and so not liable to be surrendered to State Records.

The Hon. ANNE LEVY: The Opposition supports this amendment. Obviously, it comes from a question I asked in the second reading debate: concern had been expressed that, as the definitions currently stood, private papers deposited in the Mortlock could be construed as being State records so, by fiat, transferred to the State Records Office. This was obviously not intended, and I am glad that this amendment makes clear that collections such as those of the Mortlock are not considered State records to be put under the care and control of the Manager of State Records.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—'Functions.'

The Hon. ANNE LEVY: I move:

Page 6, line 16—After 'State Records' insert 'or exempted by the Manager from the requirement for delivery into the custody of State Records'.

I indicated in my second reading contribution the reasons for my putting forward this amendment. This clause covers the functions of State Records, and one of its very important functions is to publish or assist in the publication of indices and other guides to the official records in the custody of State Records. However, it is felt by many people that it should be a function of State Records to publish indices to all the records of importance in the State, whether or not they are held in the custody of State Records.

I move the amendment because there is provision for the Manager of State Records to exempt agencies from the requirement for delivery of their records into the custody of State Records. This will occur where the agencies wish to maintain their own records, where they have the facilities and ability to do so, and where there is complete agreement with State Records that the agency should look after its own historical records.

However, this should not negate the responsibility of State Records to publish indices and guidelines to these important records, whether or not they are in the actual custody of State Records. Clause 7(d) to which I move the amendment provides 'to publish or assist in the publication of' such indices, so if an agency has its own records which it is maintaining with the approval of the Manager of State Records and in such approved conditions that we can be sure they are being properly looked after, this should not remove the responsibility of State Records to publish or assist in publishing indices and guidelines for the use of such records as it does for the records under its care and control.

The Hon. K.T. GRIFFIN: I move:

Page 6, line 16—After 'State Records' insert 'or official records whose delivery into State Records' custody has been postponed or is subject to an exemption granted by the Manager'.

This amendment is wider than that moved by the Hon. Anne Levy, and I invite her to consider whether she might no longer persist with her amendment and support mine. Clause 7(d) requires State Records to publish indexes and other guides to records in the custody of State Records. As the Hon. Anne Levy noted in her second reading contribution, the clause is restricted to records in the custody of State Records. My amendment will require State Records to describe records whose delivery into State Records' custody has been postponed or is subject to an exemption granted by the Manager. The Hon. Anne Levy's amendment applies only to records that have been exempted from delivery to the Manager. To achieve the desired outcome, both records which have been exempted from delivery to the Manager and records whose delivery has been postponed do need to be covered by the amendment. I move my amendment in the hope that the Hon. Anne Levy might see the scope of what I am proposing.

The Hon. ANNE LEVY: I certainly appreciate the Attorney's comments. His amendment certainly covers cases to which I referred and in fact can be broader. While I doubt that indices or guidelines will ever be published to records whose delivery has merely been postponed, I am certainly prepared to give way to the Attorney-General's amendment as covering all I wanted to see covered and potentially being even broader in its scope. I therefore seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. K.T. Griffin's amendment carried.

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

Page 6, line 23—After 'to issue standards' insert '(following consultation with the Council).'

This the only amendment I am moving because I think that with the level of consultation that has gone on and the number of amendments which have been moved by others, most of the territory has been covered, and I am just going to sit here and pick and choose. However, this is one issue that has not been adequately covered. I invite members to note that under clause 10(b) the Council has the functions of providing advice to the Minister or the Manager in relation to record management, etc, and I think it is appropriate in the circumstances that State Records, when it is issuing standards, should consult with the Council before so doing.

The Hon. K.T. GRIFFIN: The Government is prepared to support the amendment. Consultation is appropriate in the context of setting standards and, for that reason, we are quite prepared to support that.

The Hon. ANNE LEVY: We support this also. It seems a most appropriate function for the Council to have, that it be consulted in the setting of standards. It will obviously contain

a number of experts, and it is certainly appropriate that their advice should be sought.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—'Establishment of council.'

The Hon. ANNE LEVY: I move:

Page 7, line 5—Leave out 'seven' and insert 'eight.'

This amendment is identical with one on file from the Attorney-General, which is to increase the size of the State Records Council by one. There are various amendments on the file concerning the membership of the Council, and it may well be that when the fate of all these amendments has been determined we may need to recommit the number of actual persons on the Council, which may not end up being eight, but may have changed according to the other various amendments. So, while I move at the moment that we increase it from seven to eight, I am sure there will be no objection if, as a result of the various amendments, we needed to recommit to perhaps make it nine.

The Hon. K.T. GRIFFIN: I also have an amendment on file to increase the membership from seven to eight, so I support this amendment. What we disagree about, though, is who should be the eight members. That is a matter that we will debate during the course of this Committee.

The Hon. Anne Levy: If we end up with nine we may have to recommit.

The Hon. K.T. GRIFFIN: We may do. We will see how we go in terms of resolving that at the end. There has been a suggestion made to me privately, in any event, that we may need to recommit, so I do not intend to take it through all stages tonight.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 7, line 6—Leave out paragraph (a) and insert—

(a) one will be a historian nominated by the Minister to whom the administration of the History Trust of South Australia Act 1981 is committed after consultation with academic historians from South Australian tertiary education institutions; and

This amendment provides for the Minister, to whom the administration of the History Trust of South Australia Act 1981 is committed, in consultation with academic historians from South Australian tertiary education institutions to nominate an historian as a member of the Council. The current basis for representing historians on the Council derives from a recommendation made in 1995 by the South Australian Centre for Australian Studies. Although the number of academic historians in tertiary institutions within South Australia is small, the recommendation was accepted as the most practicable way of ensuring an expert historian's perspective was available. Even if the chosen historian did not have a primary interest in Australian history, the knowledge of other archives could be valuable comparative experience in the Council's discussions.

However, the declining number of academic historians and the likelihood of whoever is selected not having a professional interest in Australian history and familiarity with the State's archives is causing concern among local historians and genealogists whose numbers by contrast with academic historians are increasing. Because the council has the function of approving the manager's determinations of disposal of official records, a sound knowledge of the State's history is seen as an important element in the council's deliberations on disposal. If the recently appointed State historian was a member of the council, it would have a professional historian who does have knowledge of South Australian history and its archives.

Since this is not a statutory position, the State Historian cannot be named in the Bill as a member of the council, but it is feasible to enable this membership by having the Minister responsible for the History Trust of South Australia make the nomination of a historian. The State Historian would be the obvious preference. At the same time, it is important to provide for input from the historical community on the appropriateness of the Minister's nomination, particularly if the position of State historian is vacant, hence the requirement to consult with academic historians within the State.

The Hon. ANNE LEVY: I support this amendment. As the Attorney has said, the aim is to ensure that a historian with a knowledge of and an interest in South Australian history should be a member of the council. Although I understand that the previous form of the clause was decided in 1995, we have to remember that at that time there was no State Historian. The position was left vacant by the Minister for the Arts for over two years. She has a habit of leaving, for long periods, positions vacant on various boards and committees, which are entrusted to her authority. I agree that the State Historian cannot be named because it is not a statutory position and, if it should happen again that there is a long period of vacancy of that office, then obviously it would be inappropriate to have a vacancy on the State Records Council for over two years.

There is now a State Historian, but it is certainly important that there be someone conversant with the history of South Australia and the significance of the State records for research in that area, and it is most appropriate that such a person be a member of the board. Although the number of academic historians may not be large, they also are obviously concerned about the State records and the use of them in pursuing academic studies in history. Even if the academic historians are not historians of South Australia, nevertheless they will appreciate the importance of records for whatever type of history in which they specialise. I indicate, too, that the Association of Professional Historians is happy with the amendment moved by the Attorney. The Association of Professional Historians includes a number of academic historians among its membership, but its membership is much broader in that a number of professional historians are not academics, including among them the State historian.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 7, line 17—Leave out 'legal practitioner' and insert 'person nominated by the Chief Justice of the Supreme Court'.

This amendment provides for the Chief Justice to nominate a person as a member of the council. It will be useful for the council to have direct access to expertise on court records. The legal practitioner representative in the Bill derives from the Libraries Board and is not so necessary for the State Records Council. Enabling the Chief Justice to nominate a person is more useful. It also ensures that the differences between records of the courts and records of public sector agencies are better understood. This is one of the amendments which arose out of further consultation with the Chief Justice about the Bill. There was concern about the ability of the executive arm of Government to demand court records, that is, records from a court that is independent of the Executive. The solution is now the subject of amendments, and this amendment forms part of that solution.

The Hon. ANNE LEVY: I support this amendment provided there will still be some connection between court records and State Records.

The Hon. K.T. Griffin interjecting:

The Hon. ANNE LEVY: Yes. The amendments, of which this is one, certainly suggest that there will be an association although not as strong as in the original Bill. Because there will be some association between the courts and State Records, it is appropriate that the courts have a representative on the board in the same way as the Local Government Association will have a representative on the board, as State Records will also be dealing with local government records. So, I support the Attorney's amendment. If court records were to be completely divorced from State Records, as are parliamentary records, it seems to me that it would not be appropriate to have a representative from the courts but it would be better to have a general legal practitioner.

The Hon. K.T. GRIFFIN: I have no quarrel with what the honourable member says.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 7, after line 17—Insert paragraph as follows:

(h) one will be a person who, as a member of the public, makes use of official records in the custody of State Records for research purposes.

I realise that the Attorney has another amendment, but I think the two amendments are compatible. They are not either/or, so it is quite possible to have both. I am happy to vote for both amendments. I will discuss the Attorney's amendment as well as mine, even though he has not moved it yet, because they are interrelated. The Attorney suggests that one member of the council should be an Aboriginal person who is engaged in historical research and using State Records for that research. My amendment proposes a general user, a member of the public who makes use of the official records for research purposes. Obviously, under my amendment, that person could be an Aboriginal person but need not be.

Whilst I support having an Aboriginal person on the council in the light of the great importance of Aboriginal records to members of the Aboriginal community, I am told that at any one time there are not necessarily many Aboriginal people making use of State Records for Aboriginal historical research. It seems to me that the most frequent users of State Records for research purposes are not Aboriginal people but ordinary members of the public. They make use of a great variety of the State records, not just the Aboriginal section but the vast array of topics covered by State Records relevant to any part of the history of this State.

There is certainly concern amongst people who use these official records that there should be a representative of the ordinary average user on the council who can bring to bear the point of view of someone who is constantly making use of these records when, let us face it, one of the major topics of discussion for the council will be in terms of destruction or disposal of what are regarded as State records that are surplus to requirements. Of course, once records are destroyed, they can no longer be used. Many people have stated to me that they feel it important that there should be on the council someone who is constantly making use of State records for their historical research. I propose my amendment and indicate that I am very happy to support the Attorney's amendment, as I do not see that they are alternatives but that we can have both of them.

The Hon. K.T. GRIFFIN: I move:

Page 7, after line 17—Insert paragraph as follows:

(h) one will be an Aboriginal person engaged in historical research involving the use of official records nominated by the Chief Executive of the Department of State Aboriginal Affairs.

I agree with the Hon. Anne Levy that one does not necessarily replace the other, but I do have some difficulties about the amendment she proposes. While she is generous enough to indicate that she will support both her amendment and mine, I cannot respond with equal generosity. The amendment which I move provides for an Aboriginal person engaged in historical research to be a member of the council.

There are three strong reasons for this. It secures for the council access to a perspective which will become increasingly significant given the public interest in a number of Aboriginal issues—land title or native title, heritage or separated families—for which official records have considerable importance. It underpins one of the functions assigned by the legislation to State Records, that is, to assist in identifying official records in the custody of State Records the disclosure of which would contravene Aboriginal tradition. It demonstrates leadership on applying the recently published Aboriginal and Torres Strait Islander protocols for libraries, archives and information services (1995), which includes an expectation that agencies such as State Records will ensure appropriate Aboriginal and Torres Strait Islander membership on governing and advisory bodies, including boards, councils and committees. I am pleased that the Hon. Anne Levy is prepared to support that amendment.

On the other hand, as I said, I cannot support the amendment proposed by the Hon. Anne Levy. It encompasses family historians and local historians, but I suggest that it would be surprising if none of the seven members did not have this lay perspective in addition to the other expertise for which they were selected. The selection of a suitable person for this category, given that no organisation is specified to make nominations, one could suggest, is potentially burdensome and controversial. Family historians and local historians will make strong claims, but it is their interests and concerns that may be more significant.

I suggest also that the proposal is at odds with the design of the council. It has been deliberately constructed to provide the Minister and the Manager with a range of expert perspectives. The introduction of an important dimension that is currently missing, that is, an Aboriginal researcher, will make for a stronger council. I would suggest that the addition of a lay historian will simply reinforce some perspective which will be present. I suppose the other point that has to be made is whether it is desirable for the council to expand in numbers. I am not suggesting that it will be unworkable but, of course, the larger the membership, the greater the disparity of views, potentially, around the table, but also the more difficult it may be to discern distinctive advice which emanates from a wider range of people.

The Hon. M.J. ELLIOTT: I will support both amendments because I do not have a problem with either of them. I will respond first to comments about an Aboriginal person engaged in historical research. It may be true that at this stage very few Aboriginal people are actively involved in historical research, but it is important that an Aboriginal person is on the body because a great deal of research will still be done in that area. There is a real chance that this person will have an Aboriginal perspective in terms of the implications of keeping records. The fact that this person is also engaged in historical research means that they have an understanding from that

perspective as well, so I see that as highly valuable, and I support that.

The Hon. Mr Griffin is probably right on two counts in saying that there might already be on the council people who are amateur historians and that there is a range of amateur historians from whom we could choose. I argue that the option of having such a person would enable a perspective which is missing from the council to be covered. If among the other members a particular aspect was covered but another important one was missing, this appointment presents an opportunity to close off that gap. I do not think it creates any special difficulties at all.

The Hon. Anne Levy's amendment carried; the Hon. K.T. Griffin's amendment carried.

The Hon. ANNE LEVY: I move:

Page 7, after line 18—Insert subclause as follows:

(4) At least two members of the Council must be women and at least two must be men.

I am pleased to see that the Attorney has a similar amendment on file. In his summing up, the Attorney suggested that perhaps we had got to the stage where it was no longer necessary to insert gender requirements. I am afraid I am not as sanguine as he. Far too many boards are still being set up with anything but gender balance and, while we have managed to raise the figure to 30 per cent of members of boards in categories 1 and 2 being female, we are still a long way from 50 per cent. Although the current Minister might be trusted to ensure that there was some form of gender balance, one cannot assume that in the future all Ministers will do so unless such a requirement is written into the legislation. I feel it desirable that we specify some attempts at gender balance until the average figure for women on boards is a lot higher than the current figure.

The Hon. K.T. GRIFFIN: We have got it up pretty high so far.

The Hon. Anne Levy: 30 per cent.

The Hon. K.T. GRIFFIN: Yes, 30 per cent is a significant improvement. I support the amendment. The point is that, from my experience over the last three years, our Government has recognised the need to have a proper gender balance on boards and committees.

The Hon. Anne Levy: You have not got it in all of them by any means.

The Hon. K.T. GRIFFIN: Of course we have not, but we are making significant progress. I will not make a big issue of it on this occasion or on subsequent occasions either for that matter. I indicate support.

Amendment carried; clause as amended passed.

Clause 10 passed.

Progress reported; Committee to sit again.

SUPPLY BILL

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

SUPERANNUATION (EMPLOYEE MOBILITY) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make a minor amendment to the Superannuation Act 1988.

The amendment proposed will be of benefit to those persons who transfer to employment in the Public Service from employment with either the police force or ETSA Corporation, where they were already a member of the superannuation scheme established by that employer as at 3 May 1994. The Bill proposes that those persons be able to make application, and be accepted by the South Australian Superannuation Board, as members of the lump sum scheme that was closed to new entrants as from 4 May 1994.

The Government has decided to seek to have this amendment made to the legislation in order to ensure that persons who seek to transfer employment within the public sector are not disadvantaged with respect to superannuation, where they had already made a decision to be a member of the employer's superannuation arrangements.

In particular, this amendment will assist those persons who have been transferred to the public service as a consequence of their area of employment being transferred from either the police force or the ETSA Corporation.

The Bill provides that persons to whom the provisions apply, must make application to be accepted into the closed lump sum scheme under these special provisions, within 3 months of the date of transfer. A transitional provision will allow those persons who have transferred between 3 February 1994 and the date of the commencement of the Amendment Act, to make application within 3 months of the commencement of the Act.

The Public Service Association has been consulted in relation to the Bill and has indicated its support for the Bill.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Amendment of s. 22—Entry of contributors to the scheme

Clause 2 amends section 22 of the principal Act. Subsection (15) gives an employee three months after the new employment has commenced to apply for membership of the closed scheme. Subsection (16) gives a person whose employment commenced before the commencement of the amending Act three months after the commencement of that Act to apply for membership. This transitional provision applies for the benefit of a person whose employment commenced at any time on or after 3 February 1994 but before the commencement of the amending Act. It ensures that employees whose employment commenced within three months before 4 May 1994 have a full 3 months in which to apply for membership of the scheme.

The Hon. ANNE LEVY secured the adjournment of the debate

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make three technical amendments to the Police Superannuation Act 1990, which establishes and maintains the two closed superannuation schemes for police officers.

The amendments are minor in nature and deal with the provisions of the closed pension scheme, known in the Act as the 'old scheme'. The proposed amendments are required to ensure that members of the closed schemes are treated in a fair and equitable manner.

One of the amendments seeks to provide an option for members of the pension scheme to elect to preserve their accrued pension if they resign and are aged between 50 and 55 years. Under the existing provisions of the Act, persons resigning between these ages have the ability to take their accrued benefits only in the form of a lump sum. The effect of the proposed amendment to the definitions section of the Act will ensure that any person resigning before the age of 55 years, will be able to preserve their accrued benefit, and apply to take

the pension on attaining the age of 55 years. In terms of the existing legislation, persons who resign before the age of 50 years, have the ability to preserve their accrued pension benefit. This amendment will principally assist those persons taking a voluntary separation package under the age of 55 years.

The second and third amendments proposed in the Bill, seek to restore two benefits that applied under the repealed Act. The restoration of these provisions is necessary to ensure that where certain and unexpected circumstances eventuate, the spouse and dependent children of a member who retired under the repealed Act are able to have access to options that they were expecting to be available on the member's death. The first of these amendments proposes to reinstate an option available under the repealed Act, under which a spouse who is automatically entitled to a pension and lump sum on the death of a member pensioner, may elect to exchange the lump sum for an increased pension. The option is only attractive to a spouse in certain circumstances, because the pension provided by the exchange is not indexed for the movement in the Consumer Price Index.

The third amendment seeks to make an amendment to the Transitional Provisions in Schedule 1, by ensuring that a child's pension resulting from the death of a member pensioner who commenced pension under the repealed Act, is not less than the level of pension payable to another child who commenced pension under the repealed Police Pensions Act.

By the very nature of the proposed amendments in sections 6 and 7 of the Bill, they will only be of benefit to persons in the particular circumstances on which the provisions are based. Furthermore, to ensure that persons affected by these provisions are not disadvantaged, it is proposed that the provisions be effective as from 1 July 1996.

The Police Association and the Police Commissioner have been consulted in relation to these proposed amendments, and they have advised that they fully support the amendments.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of clauses 6 and 7 of the Bill from 1 July 1996.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends the interpretative provision of the principal Act to provide that a member who leaves employment voluntarily between the ages of 50 and 55 and who is not taken to have retired will be taken to have resigned. This will enable the member to preserve his or her benefits under the principal Act.

Clause 4: Amendment of s. 25—Termination of employment on invalidity

Clause 5: Amendment of s. 31—Invalidity pension

Clauses 4 and 5 are consequential.

Clause 6: Amendment of s. 32—Pensions payable on contributor's death

Clause 7: Amendment of Schedule 1—Transitional Provisions

Clauses 6 and 7 solve the technical transitional problems already discussed.

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

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

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

ADJOURNMENT

At 10.50 p.m. the Council adjourned until Thursday 27 February at 2.15 p.m.