LEGISLATIVE COUNCIL

Tuesday 17 March 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

LIQUOR LICENSING (LICENSED CLUBS) AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

ZOLLO, Hon. CARMEL

The PRESIDENT: I announce on this Saint Patrick's Day that it is the twenty-fifth wedding anniversary of our colleague the Hon. Carmel Zollo and her husband. I am sure members will join with me in wishing her and her husband well.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 4, 6, 28, 31, 35 and 38.

SPEED DETECTION

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

1. Has the Government ever given directions or guidelines to the police, either verbally or in writing, over the placement of laser guns and speed cameras?

2. If so, what were the directions and/or guidelines given?

3. If not, has the Minister for Police, Correctional Services and Emergency Services seen a copy of the guidelines used by police when placing speed detection equipment?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has provided the following response:

1. See the answer to question 2.

2. The policies governing the operation of traffic speed analysers, which include speed cameras and laser guns, are contained in the SAPOL General Order 8910 (amended in July 1997), and are authorised by the Commissioner of Police. Expectations of Ministers, which are not formal directions or guidelines but rather expressions of general practice are, generally, verbal.

3. A copy of General Order 8910 has been provided by the Commissioner of Police (19/1/98).

MEMBERS, TRAVEL

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

1. Will the Premier ensure that in the future it will be obligatory for all Government Ministers to table information relating to their overseas travel at the end of each financial year and that this information be made publicly available?

2. Will the Government undertake to provide the following details for each trip—

(a) The itinerary and purpose of each trip;

(b) Who accompanied the Minister on each of the trips;

(c) How much was spent by the Minister, his or her spouse, staff members and accompanying officials on each of these trips on—

(i) air travel;

(ii) hire cars or limousines;

(iii) accommodation;

(iv) official entertainment; and

(v) other incidentals?

3. If not, why not?

The Hon. R.I. LUCAS: The Premier has advised that details of all overseas travel by Government Ministers is currently made available during the annual Estimates Committee sittings.

GOVERNMENT EMPLOYEES

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

1. As the State Government is planning to outsource the responsibility for building maintenance and minor works on all State Government buildings to the private sector, what will happen to those employees of the building maintenance services division who are not offered employment by the new contractors and who do not want to take separation packages?

2. (a) Will they be made redundant; or

(b) Will they be able to transfer to another department?

3. Considering the Government continues to express its support for small business, why has it decided to split the work into just three packages worth millions of dollars each, thus restricting the ability of many small businesses from being able to tender?

The Hon. K.T. GRIFFIN: The Minister for Administrative Services has provided the following response:

1. The Government is not planning to outsource the responsibility for building maintenance and minor works on all State Government buildings. The current contracting out project being managed by the Department for Administrative and Information Services does not apply to:

· buildings outside the Adelaide CBD and metropolitan area, or

· buildings in the CBD or metropolitan area occupied by the SA Health Commission, SA Housing Trust or agencies in the commercial sector.

Final discussions are being undertaken to settle the form of the contracts to be awarded to three firms: CKS Facilities Management (a joint venture company involving Colliers Jardine, Kinhill and Skilled Engineering), P&O Facilities Management and Transfield Maintenance. It is expected that the contracts will be entered into by the end of February 1998, and after a transition period the contracts will commence in mid-April.

Where buildings or other assets are within the scope of the contracts, the accountability for asset management and related maintenance and minor capital works will remain with public sector agencies. Those agencies will still be responsible for determining maintenance programs and for allocating available funds to those works. However, once the programs are determined and funds allocated by participating agencies, the actual work will be carried out by, or through, the successful contractors.

The works and services to be covered by the contracts are, at present, carried out in a variety of ways. Most of them are arranged by the Building Maintenance Services division (BMS) of the Department for Administrative and Information Services and carried out by small businesses under contract to BMS, some are carried out by specialist BMS employees, and some are carried out by employees of other public sector agencies.

2. Once the contracts commence, BMS will remain in a smaller form to continue providing or arranging works and services in country areas and in a sector comprising approximately one-third of the metropolitan area. A significant number of BMS employees will, therefore, remain employees in BMS. Where employees of BMS, or any other public sector agency, are made surplus as a result of this contracting out, they have two main options:

· if offered a position with one of the successful contractors, they can decline the offer or resign from the public sector and take up that employment, in which case they will attract an Incentive Payment in accordance with the Government's Outsourcing-Human Resource Management Principles; or

· if they are not offered a position with a contractor or are offered a position but decline it, they can either resign from the public sector and accept a Target Voluntary Separation package from the Government, or stay in the public sector as a redeployee.

No public sector employees will be retrenched in this process.

3. Although the in-scope works will be delivered by the three selected contractors, the contracts are primarily for the management of those works. Some works will be carried out by employees of the contractors but a large proportion will be carried out by South Australian small businesses under contracts managed by the contractors. The head contracts also cover works and services (such as cleaning and grounds maintenance in many education institutions) which, in some cases, are now carried out by employees of public sector agencies, and these works and services will be delivered by the contractors or sub-contracted small firms for the first time, providing a further boost to small business.

MOUNT BARKER ROAD

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

1. (a) What steps have been taken by the Department for Transport to ensure the safety of motorists using Mount Barker Road during the upgrading construction phase; and
   (b) Is the Minister satisfied with these arrangements?
2. (a) What is the safety record for both the public and workers involved in the upgrade of the Mount Barker Freeway tunnels and associated work; and
   (b) Have there been any injuries due to construction work reported to date?

The Hon. DIANA LAIDLAW:

1. (a) A number of safety measures have been put in place to ensure the safety of motorists using Mount Barker Road during the upgrade.

Along the Union Quarry section of the project, where roadworks are in progress, concrete barriers have been erected, wire mesh fence has been placed behind the barriers and earthmounds constructed, to prevent rocks from reaching the roadway.

Diversion roads have been constructed at the Crafers end of the project to move traffic off the Mount Barker Road, which will separate traffic from the construction work which will reduce inconvenience to motorists and ensure road user safety.

Two underpasses for construction traffic are being constructed, one near the diversion roads at Crafers and the other near the Union Quarry, to enable trucks carting fill to safely cross Mount Barker Road.

Temporary traffic signals have been installed and are operational at Eagle on the Hill at the site of the access road to the tunnel construction site. This will provide safe access and egress for tunnel construction traffic.

As situations change during the progress of the works, implications for safety of motorists will constantly be monitored to determine whether additional safety measures or changes to work practices are required.

(b) Transport SA (formerly the Department of Transport) has required the contractors to give the highest priority to motorists' safety during the roadworks—and the project overall has been designed to minimise inconvenience to road users.

2. (a) As at 9 January 1998 there have been a number of minor vehicle accidents which have involved members of the public. These accidents appear to have been caused by inattention. Also, since the diversion has opened, a truck has hit a safety barrier and there has been a report of a minor rear end collision.

A rock fall occurred on 8 January 1998 on the Mount Barker Road. A piece of rock broke off and damaged the windscreen of a car travelling along the Mount Barker Road. The driver of the vehicle suffered minor scratches and bruises and was treated for shock.

As at 9 January 1998 there have been six reported minor injuries to workers involved in the upgrade of Mount Barker Road tunnels and associated work. All injuries have been treated on site and there have been no lost time injuries reported for the entire project.

(b) As per 2. (a) above.

INDUSTRIAL AND EMPLOYEE RELATIONS ACT

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

1. Will the Government amend section 79 of the Industrial and Employee Relations Act 1994 as recommended in the Office of the Employee Ombudsman 1995-96 Annual Report, by adding a further subsection (subsection 6) as follows—

'Any agreement approved under subsection 5 must not continue in force for a period of longer than 6 months. At the end of this period, if both parties wish it to continue, application must be made to the Full Commission for this to occur.'?

2. If not, why not?

The Hon. R.I. LUCAS: The Employee Ombudsman in his 1995-96 Annual Report recommended that such an amendment would:

'. . . ensure that enterprise agreements which provide for terms and conditions inferior to the award do not continue after the circumstances which led to the approval of such an agreement in the first place, cease to apply'.

Since the enactment of the Act more than two years ago, only one financial rescue agreement has been approved by the Industrial Relations Commission. This particular financial rescue agreement was in force for 12 months. It included a mid-period review, directed by the Commission. This agreement allowed the business to 'get back on its feet' and the parties have now re-negotiated a second ('non-financial rescue') agreement. The Minister for Government Enterprises believes that, in these circumstances, the prospect of financial rescue agreements continuing after the cessation of the circumstances which led to them being entered into, is extremely limited.

EMPLOYEES, TREATMENT

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

1. Will the Minister for Industry, Trade and Tourism investigate claims by the Employee Ombudsman in the Office of the Employee Ombudsman 1995-96 Annual Report that there are clear signs that an increasing number of employers are underpaying employees, treating them unfairly and dismissing them harshly, unfairly or unjustly?

2. If found to be correct, what action does the Minister intend to take to curb this disturbing trend?

The Hon. R.I. LUCAS: The Employee Ombudsman in his 1995-96 Annual Report states that:

'there appeared to be a significant increase in complaints concerning the failure of employers to pay the correct wages . . . Similarly there also appears to be an increase in complaints relating to victimisation, harassment, unfair dismissal etc. . .'

The following statistics available in the annual report relate to enquiries (not complaints) made by employees;

	1995-96	1994-95	Percentage Increase
Enquiries relating to Victimisation/harassment etc	16%	3%	13%
Enquiries relating to Unfair Dismissal	14%	8%	6%
Enquiries relating to Non Receipt of Entitlements	14%	2%	12%

The Annual Report demonstrates that the Employee Ombudsman's Office has had a slight increase in the number of enquiries relating to victimisation/harassment, unfair dismissal and the non receipt of entitlements (I understand from the Annual Report that enquiries about the non receipt of entitlements cover broader issues than just payment of wages).

Statistics in the Department for Industrial Affairs 1995-96 Annual Report show different trends from the Employee Ombudsman's Annual Report in respect of complaint numbers. The Department for Industrial Affairs 1994-95 and 1995-96 Annual Reports demonstrate that the number of complaints received each year in relation to award underpayments remained almost the same, being around 1 500 complaints.

Similarly, the Industrial Relations Court statistics suggest that the number of unfair dismissal applications under the State's Act for the relevant period actually decreased. There were approximately 1 200 applications in the 1994-95 financial year and only approximately 1 000 applications in the 1995-96 financial year.

In answer to the Honourable Member's second question, no action is necessary because the Minister for Government Enterprises does not believe that there are any clear signs that employers are increasingly committing offences in these areas.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

The Flinders University of South Australia—
Report, 1996-97
Statute Amendments allowed by the Governor in 1996

By the Attorney-General (Hon. K.T. Griffin)—

Regulation under the following Act—
Juries Act 1927—Jury Pools
Public Corporations Act 1993—Direction to ETSA and SAGC concerning the Electricity Assets Restructuring and Preparation for Sale

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Liquor Licensing Act 1997—Dry Areas—Long Term—Barmera/Berri

By the Minister for Justice (Hon. K.T. Griffin)—
Regulation under the following Act—
Firearms Act 1977—Exemption of Juniors
Summary Offences Act 1953—
Dangerous Area Declarations—1.10.97 to 31.12.97
Road Block Establishment Authorisations—
1.10.97-31.12.97
By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—
Reports, 1996-97—
Aboriginal Lands Trust
Guardianship Board
Public and Environmental Health Council
Wilderness Protection Act South Australia.

SHOPPING HOURS

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement made by the Premier in the other place on shopping hours.

Leave granted.

QUESTION TIME

PASSENGER TRANSPORT BOARD

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about appointments to the Passenger Transport Board.

Leave granted.

The Hon. CAROLYN PICKLES: During the last sitting of Parliament, I asked the Minister a question regarding the selection and appointment process for the Executive Director of the Passenger Transport Board. My question is: has an appointment been made, and will the Minister confirm that her Chief of Staff, now her former Chief of Staff, Ms Heather Webster, has been appointed to the position?

The Hon. DIANA LAIDLAW: I have an answer to the honourable member's question asked on 25 February and, rather than incorporating it in *Hansard* without my reading it, as was my intention, I will now read the reply.

The position will be filled on 6 April 1998 when the successful candidate, Ms Heather Webster, takes up the appointment. The calling and filling of the position has been conducted in accordance with the Public Sector Management Act 1995 and the Passenger Transport Act 1994.

To summarise the selection process for the honourable member's information, I advise that, at its meeting on 27 November 1997, the Passenger Transport Board nominated a selection panel comprising Michael Wilson as Chairman of both the board and the panel, Heather I'Anson and Dagmar Egen as board members and Mr Rod Payze, Chief Executive, Department of Transport, Urban Planning and the Arts. It was appropriate that Mr Payze join the selection panel given that the Executive Director, Passenger Transport Board, reports administratively to him as Chief Executive, Department of Transport, Urban Planning and the Arts.

Mr Paul Slattery, Manager of Corporate Services and Secretary to the board, acted as Executive Officer to the selection panel throughout the process. The Commissioner for Public Employment approved the selection panel on 11 December 1997. Sixteen applications for the position were received by the closing date of 19 December 1997.

In terms of current employment, a breakdown of the applications is as follows: five Government and five non-government applicants applied from South Australia; and two Government and four non-government applicants applied from interstate.

On 6 January 1998, the selection panel considered the applications and developed a short list of six candidates to be invited for an interview, comprising three candidates from South Australia, two candidates from Victoria and one candidate from New South Wales. Interviews were held with these candidates in the week commencing 12 January 1998. Written referee checks were sought for the selection panel's consideration. The selection panel determined that three candidates from the short list were of very high calibre, and further interviews were conducted. Work reports on the three candidates were also sought.

On 30 January 1998 the selection panel nominated Heather Webster as the preferred candidate and recommended that the board seek the approval of the Minister for Transport and Urban Planning so that the board could negotiate contract terms and conditions for the consideration of the Commissioner for Public Employment. The negotiations between the board and the Commissioner for Public Employment were successful, and a five-year contract has been agreed and approved by the Commissioner. In accordance with section 16 of the Passenger Transport Act, the Minister for Transport and Urban Planning and the Passenger Transport Board have subsequently approved the appointment of Heather Webster as Executive Director of the Passenger Transport Board.

To that reply I shall add that I have tremendously mixed feelings about this appointment, because Heather Webster, as chief of staff to me for the last three years, has been one of the most superior appointments that any Minister could have as a chief of staff. She came from the CSIRO as a scientist, has a Master of Business Administration and has been involved intimately in advising, particularly on transport matters, the Department of Transport, TransAdelaide and the Passenger Transport Board.

Since her appointment was advised she has told me about the people in the transport field who supported her application as referees. Clearly, she has been very well respected across the transport field for her work in terms of transport reform in recent years. Mr Rod Payze, Chief Executive of the Department of Transport, Urban Planning and the Arts, has advised me that Ms Webster was the unanimous recommendation and one that all the selection panel believe will bring great credit to the Passenger Transport Board and its work generally.

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: Yes, that is true: Mr Greg Crafter is a member of the Passenger Transport Board and it has signed off on the appointment as well. As the selection panel and the board itself recognised, she will bring great credit to the board. I acknowledge the work of Mr John Damin who for the last year has been acting in the position of General Manager of the Passenger Transport Board. As my answer noted, he was on a contracted position which expires at the end of March. Ms Webster takes up the appointment of Chief Executive of the Passenger Transport Board on 6 April. I said that I greeted this with mixed feelings because I will miss her greatly in the position of trust that she has filled in my office over the last three years. I wish her well and I believe that she will be enormously difficult to replace in terms of my office and the Government as a whole.

CARETAKER GOVERNMENTS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about caretaker Government rules.

Leave granted.

The Hon. P. HOLLOWAY: Last month the Deputy Premier, Mr Ingerson, was asked when he first learnt of the $96 million write-down contained in the Electricity Trust annual report which was delivered to the Minister's office during the campaign. The Deputy Premier told Parliament he had not read the annual report because:

> During the election campaign any business of Government is handled by the bureaucracy. . . every member of Cabinet was warned that during the period of the election campaign no Government business was to be handled.

Four days before the election the Deputy Premier wrote to the Combined Shooters and Firearms Council reminding the council that the Deputy Premier had set up meetings between it and the police firearms section. The letter states that these meetings were designed to come up with amendments to the gun laws, which would be taken to Parliament. In the light of that, my questions to the Attorney are:

1. Will the Attorney confirm that every member of Cabinet was warned that during the period of the election campaign no Government business was to be handled? If so, will the Attorney table this advice to Ministers?

2. Will the Attorney explain to the Council how he understands the caretaker convention to operate, in particular, whether he believes this convention excludes Ministers' reading reports from departments but allows Ministers to write advocating legislative changes?

The Hon. K.T. GRIFFIN: That is an interesting question. I will examine the question and undertake to bring back a reply.

FORESTRY, PRIVATISATION

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question about forest privatisation.

Leave granted.

The Hon. T.G. ROBERTS: In the business section of today's *Australian* is an article which indicates that the Victorian Government is contemplating a future sale of its softwood plantations. The article states:

> The Victorian Government is expected to raise more than $700 million when it privatises its softwood plantations later this year. The sale of the Victorian Plantations Corp, which includes the right to manage almost 170 000ha of land, would improve the job and export prospects for the State's timber industry, Treasurer Alan Stockdale said yesterday.
>
> 'Privatisation of the VPC will also be an important factor in Victoria achieving its goal of trebling the area of plantations by 2020, easing pressure on public forests. . . This goal was consistent with Federal Government policy and had the strong support of the forest industries,' he said. 'Privatisation will also enable the Victorian timber industry to compete effectively in expanding international markets.'

The article notes that a firm called SBC Dillon Read has been retained to conduct the sale of the corporation, which may be sold as a whole or separated into its three geographic divisions, and that indicative offers are expected by June. The article indicates that the Government is serious about its intention to sell, and that analysts are saying that Carter Holt Harvey, Auspine and perhaps north American companies, such as International Paper, will be interested.

Many people in the South-East are nervous. I know that the Government has issued contracts for a large percentage of our holdings down there. In fact, I think allocations of over 40 per cent have already been made on long-term contracts, which brings some relief to those who must invest in that industry over the long term. My questions are:

1. Has the Government been involved in any discussions with industry leaders or their agents regarding the sale of the Government's unallocated softwood forests?

2. What are the benefits of sale as opposed to long-term contract allocation for the resource, which appears to be the difference between the Victorian method of management or sale and that of South Australia?

The Hon. R.I. LUCAS: I will take some advice on that question from the Premier, and possibly from the Minister in charge of forests, and bring back a considered reply for the honourable member.

WEST BEACH BOAT HARBOR

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Development a question about the West Beach development.

Leave granted.

The Hon. M.J. ELLIOTT: One month ago I asked the Minister about the development proposals for West Beach and the approval of the project. The Minister later confirmed that she had approved the development with 22 conditions and confirmed that the proponent had indicated that it would meet those conditions. The Minister had said that she could provide a copy of these conditions. Over the past month my office has sought a copy of these for my information, and we are still waiting to receive them. My questions are:

1. Will the Minister release to me a copy of the original 22 conditions upon which the West Beach development was approved?

2. Has there been any move to amend these conditions? If so, has it happened yet?

3. Will the Minister provide all versions of conditions upon which the development was approved?

The Hon. DIANA LAIDLAW: I have spoken with the honourable member and indicated that my preference was to provide a copy of the 22 conditions, plus any conditions that arose from the amended application. As members will recall, early last December there was a resolution of this place following a conference in relation to the West Beach boat launching facility. Certain conditions were stated in both Houses arising from that conference in terms of the height of the breakwater, the car park and related issues. That resolution of both Houses, in terms of conference outcome, meant that the proponent had to submit an amended application to the Development Assessment Commission. In the conversation with the Hon. Mr Elliott to which I referred a moment ago, I mentioned that the Development Assessment Commission was looking at this amended application, that there may be variations and, if there were, they would be added to the 22 conditions that I had earlier signed off on. The Development Assessment Commission has now reported to me, and I am considering that report. I believe that I will be able to provide to the honourable member a copy of those original 22 conditions and any additional amendments or conditions to the application by early next week.

SPEED DETECTION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about the use of speed cameras.

Leave granted.

The Hon. J.F. STEFANI: In January this year, during the Australia Day long weekend, the South Australian Police mounted a road safety campaign using speed detection devices and breath testing units. As all members would be aware, unfortunately so far this year the number of road fatalities exceeds the number of road deaths reported for the same period last year and, as a community, we all share the concerns of the road safety authorities and the Government. My questions to the Attorney-General are:

1. Will the Minister advise of the location and the period of operation of each of the speed camera units and laser guns used on each of the days during the Australia Day long weekend?

2. How many expiation notices under individual categories were issued at each of the locations for the above period?

3. What was the total amount received from expiation fines issued during the Australia Day long weekend?

The Hon. K.T. GRIFFIN: I will refer the question and bring back a reply.

WEST BEACH TRUST

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning questions concerning the continuing use of treated effluent water by the West Beach Trust.

Leave granted.

The Hon. T.G. CAMERON: On 26 February, I asked the Minister if she would order an immediate investigation into claims that the West Beach Trust is continuing to use treated effluent water during daylight hours at its golf, caravan and village facilities, even though it may be threatening the health of both workers and the public. The Minister indicated that she would be happy to do so. New information has now come to my attention that the practice of using this water outside the recommended hours is continuing. Even worse, though, I have been informed that children have been drinking from taps, and unsuspecting caravan users are filling their kettles and water tanks with the water. On the Wednesday following my question to the Minister, an interstate women's marching team here for the Australian championships was practising on the grass inside the village grounds—I believe it was 11 March. In an attempt to keep cool in the 39° heat they were seen marching through the spray from the sprinklers, not knowing that they were marching through effluent water. I am told that they were furious when informed of what the spray contained. Ministers were also seen on the golf course, on the putting greens, using umbrellas to protect themselves from the spray. I can only hope that none of them get—

The Hon. Diana Laidlaw: Was that Government Ministers?

The Hon. T.G. CAMERON: 'Golfers', I said.

The Hon. Diana Laidlaw: I thought you said 'Ministers'.

The Hon. T.G. CAMERON: No.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Well, they could have been anyone. I guess these people could have been Ministers. It might have been the Hon. Ms Laidlaw; she might have been aware of the problems associated with this water and wanted to protect herself with an umbrella. The fact is that people on the golf course have been using umbrellas on the putting green to protect themselves from the water.

There is not one mention on any of the golf course, caravan park or holiday village information brochures advising people not to use or come into contact with the effluent water. There is also a distinct lack of warning signs around all the facilities. The situation is becoming so serious that there have been rumblings that the West Beach Trust workers may refuse to use the water unless management can assure them that it is safe to do so.

I understand that the Glenelg council, which uses this water, is complying strictly with the guidelines and is acting responsibly. I am further advised that all that would be necessary to rectify the situation is for the trust to rejig its half a million dollar computerised watering system. My questions are:

1. Considering that the West Beach Trust golf course, caravan park and holiday village are award-winning tourist attractions, is the Minister totally satisfied with the current level of signage warning the public not to come into contact with the water?

2. Can the Minister give members of the public an assurance that they will no longer have to worry about coming into contact with effluent water at the West Beach Trust facilities?

3. When will the Minister report back on the results of her investigations?

The Hon. DIANA LAIDLAW: In terms of the honourable member's series of questions a couple of weeks ago, those investigations have concluded, and I sighted the reply at the weekend, but for some reason it is not in the stack of replies that I will provide to Parliament today. As I recall the reply, an interim arrangement has been agreed with the South Australian Health Commission, to which many conditions are attached, regarding the use of this water, and I understand from the reply that the West Beach Trust has met those conditions.

I would argue that, from the advice given to me, the trust has been acting responsibly. There was an inference in the honourable member's question that the Glenelg council has been doing so but that the West Beach Trust has not. On the advice given to me, that could not be alleged in terms of the trust's practice, but I will seek further advice in response to the questions that the honourable member has asked today and make sure that I have a full reply tomorrow.

I recall hearing that the honourable member rang the Julia Lester show on ABC radio last week and that she reported that the honourable member had received satisfactory answers to the questions raised with the West Beach Trust. I was particularly interested in hearing that, and she also commented that it was refreshing for a member of Parliament to ring in and say that they had received satisfactory answers to allegations they had made.

Members interjecting:

The Hon. DIANA LAIDLAW: I will get the transcript for the honourable member.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: The Hon. Mr Davis heard it, too. I thought it was extraordinarily generous by nature, and I was surprised to hear today's questions. I will bring in a transcript of that—

Members interjecting:

The Hon. DIANA LAIDLAW: Is the Hon. Mr Cameron suggesting that he did not ring the radio station?

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It was reported over the air that the honourable member was satisfied with the answers that he had received, and that is why Julia Lester commented that the Hon. Mr Cameron is a very exceptional member of Parliament. She may now wish to retract those comments since the honourable member is retracting the statements that were made. I will provide a full answer to the honourable member's questions because the matters raised are extremely serious.

RURAL ROAD SAFETY STRATEGY

In reply to **Hon. T.G. ROBERTS** (24 February).

The Hon. DIANA LAIDLAW: The Government is deeply concerned about rural road safety, as it is about road safety generally in this State. Statistics show that over 60 per cent of the State's fatalities are occurring in rural areas.

However, the road toll in this State, in both metropolitan and rural areas, generally has been falling since the 1970s.

In particular, in the past ten years fatality crashes have fallen by 50 per cent in the metropolitan area and by 42 per cent in rural areas. During the same period, casualty crashes, which are numerically higher and therefore a more reliable statistical barometer, have fallen by 29 per cent in both metropolitan and rural areas.

These statistics suggest that there is no increasing trend in the levels of rural crashes compared to metropolitan crashes.

Analyses of the causes of rural fatal crashes indicate that key factors are speed, drink drive, fatigue and inattention—not mixed function traffic movements as suggested. In fact, the mix of vehicles is probably greater on metropolitan roads than on rural roads.

Consequently, the Government is investing its resources in targeting these key factors in rural areas. At this stage there is no intention of developing a campaign to target mixed function traffic.

CHILD POVERTY

In reply to **Hon. CARMEL ZOLLO** (3 December 1997).

The Hon. DIANA LAIDLAW: The Minister for Human Services has seen the report referred to, and advises that he fully recognises the importance of children to our community, both as children and as future adults. Children's wellbeing is inextricably linked to their family circumstances. All Government services which aim to assist families impact upon children, and in addition some services provided by government such as education are exclusively for children. The quality of response by Government and community is particularly important for disadvantaged children.

Poverty is a complex issue which is not easily fixed. Income security is a major factor but it does not stand alone. Material, environmental and personal factors may all play a part, and intergenerational effects of poverty are well documented. Certain groups in the community such as Aboriginal families, sole parent families, and young adults who were formerly in the care of the State are particularly vulnerable. Strategies must therefore include a broad range of responses.

Responses by Government and the community need to be both preventative and remedial; i.e., to deal with the forces that create vulnerability as well as providing a safety net for those in greatest need.

Current Government policy is underpinned by a clear commitment to investing in prevention, as outlined in the Liberal policy on Family and Community Services. Each group in the Human Services portfolio has strategies for addressing disadvantage, including for example social health strategy, priority housing, and the low income support program.

Effective service provision is guided by strategic policy development which encompasses the following:

- improved responsiveness to meet the range of community needs;
- consumer involvement in service design;
- targeting resources to the most disadvantaged, not only on measures of income but other measures of vulnerability (such as access to family and community support);
- building stronger communities through local initiatives;
- effective liaison with all stakeholders, including the Commonwealth and the non Government sector;
- a strong commitment to measuring results.

The new portfolio of Human Services provides the opportunity to ensure that approaches, structures, and services for disadvantaged families are more responsive to community need, and better coordinated.

The report is one of many under consideration by Government. There are a number of models to consider in relation to the most appropriate response for children in disadvantaged families. Several groups in the community have submitted proposals for the establishment of Family Centres, however, the most appropriate form has yet to be determined.

As stated publicly when the report was released, the Minister for Human Services welcomes the idea of family support centres and will be looking to establish such a centre on a trial basis. The creation of the portfolio of Human Services has facilitated the development of integrated service provision.

MURRAY RIVER FISHERY

In reply to **Hon. R.R. ROBERTS** (10 December 1997).

The Hon. DIANA LAIDLAW:

1. The plan for structural adjustment of the commercial river fishery, as approved by Government in March 1997, proposes the maintenance of the same river length for commercial fishing even though the number of licences have recently been reduced. Portions of surrendered reaches may be reallocated to other reaches as part of the restructuring process.

There is no suggestion to introduce catch quotas as a means of restricting the amount of fish that commercial fishers can take from the river system. Management by quota is inappropriate for the river fishery given the fluctuating nature of the river and fish abundance, and the costs involved to manage, monitor and ensure compliance. The proposed management system, as discussed in the management plan, is based on a flexible arrangement of limiting the amount and type of fishing gear that can be used at any one time, and restricting fishing methods and areas. This is seen as being preferred and more effective than quota based management.

2. Victoria does not administer fishing activities in the River Murray. There are currently 40 commercial licences operating in river systems of NSW. There is a policy of not allowing a licence to take native fin fish to be transferred or reallocated. However, the NSW government is supporting the issuance of transferable licences to harvest carp and yabbies.

Under existing policies, the South Australian river fishery is limited to 30 licences, with no additional licences to be provided. It is an obligation of commercial fishers, as a condition of their licence, to provide statutory returns on the quantity of fish taken and their fishing effort every month. This information is used by scientists, together with fisheries independent research information, to assess the general health of the fishery.

3. Foremost in the management of the river fishery is the sustainability and enhancement of native fish stocks. Advice on this matter is currently received from the Aquatic Sciences Centre of the South Australian Research and Development Institute (SARDI). The Government will consider recommendations arising from an independent biological review of native fish stocks of the River Murray in addition to the advice provided by SARDI Aquatic Sciences.

EXCISE DUTY

In reply to **Hon. M.J. ELLIOTT** (25 February).

The Hon. DIANA LAIDLAW:

1. This question asks whether the Government is assessing its risks following the recent High Court decision in *Ha and Anor v Commissioner of Revenue (NSW)*. That decision concerned a statutory licence fee imposed on the business of selling tobacco. The statutory schemes under consideration in that case are entirely different from the situation surrounding the amounts paid by Adelaide Brighton Cement Limited (ABCL). The Crown Solicitor's advice is that the amounts paid by that company are not, and never have been, excises. So far as tobacco, liquor and petrol are concerned, the Government has already dealt with the implications of *Ha and Lim v Commissioner of Revenue (NSW)* by amending legislation relating to tobacco, liquor and petrol sales, and by negotiating 'the safety net arrangements' with the Commonwealth.

2. As already stated, the Crown Solicitor's advice is that the fees charged by Ports Corporation and its predecessors to ABCL and other companies are not excises. So far as tobacco, petrol and liquor licence fees are concerned, as stated in the answer to question 1, the

Government has already dealt with these matters by means of appropriate amendments to the relevant legislation, and by the negotiation of 'safety net' arrangements with the Commonwealth Government.

3. The Crown Solicitor's advice is that there is no trust fund and that the Government is not liable to reimburse ABCL for anything paid under the agreement made between the Government and ABCL for the provision by the Government of wharf infrastructure for the use of ABCL.

4. The Government is taking steps to have ABCL's claims vigorously defended.

KOALAS

In reply to **Hon. M.J. ELLIOTT** (4 December 1997).

The Hon. DIANA LAIDLAW: Prior to the trial release of Koalas in the South East, sites suitable for a small number of animals were identified and described.

A total of 20 Koalas were released at three sites as part of the initial trial. All sites comprised pure stands of their preferred food tree species, either Manna Gum or Swamp Gum. Monitoring of tree condition has occurred at two sites and they will be visited over successive years to assess any change in canopy condition.

A further 20 Koalas were subsequently released as part of a study to assess behaviour following translocation and habitat impacts in areas with a mixture of preferred and less preferred tree species.

The koalas released in the trials have all been monitored closely and have not shown to have had any impacts on the vegetation to date. Monitoring sites have been established and will continue to be assessed.

Prior to the large scale relocation program being undertaken an assessment of the available habitat for koalas in the South East was completed. This survey identified a total of 1 580 hectares of suitable koala habitat comprising patches of varying size. Based on the available habitat the projected stocking rate has been set at 0.1—1.0 koalas per hectare, which is considered to be well within the carrying capacity of the vegetation. Any areas thought to support or to have recently supported endangered species such as the Yellow-bellied Glider were excluded from the habitat assessment and no koalas have been released in these areas. To date, approximately 400 koalas have been released.

Further monitoring sites are being established at a range of sites receiving koalas as part of the relocation program. These sites will be chosen to represent different soil types, rainfall regimes and vegetation associations and assessments will be conducted regularly.

Vegetation monitoring will be maintained on Kangaroo Island and in the South East to assess any changes in tree condition. Census data on the koala population is also being collected regularly on Kangaroo Island to monitor changes in koala numbers.

To date the sterilisation program has been extremely successful with approximately 1 970 koalas sterilised and a target of 2 500 by June 1998.

The removal of some 750 koalas from the worst affected areas will provide some immediate browse relief to severely affected trees and a drawdown effect on adjacent areas which will then be targeted by the fertility control team.

Once the relocation program is complete, the number of koalas in the South East will decline through natural attrition.

The situation on Kangaroo Island warranted immediate action and as culling was considered unacceptable by the people of South Australia, the national and inter-national community and the option of fertility control supported by limited relocation was implemented.

This program has been funded through a special allocation from State Cabinet, a grant form the Commonwealth and a public appeal. The program has not diverted any funds away from endangered species programs.

DUBLIN LANDFILL

In reply to **Hon. P. HOLLOWAY** (17 February).

The Hon. DIANA LAIDLAW: The balefill proposed at Dublin is designed not to leak. In the unlikely event that this should happen the monitoring and remediation measures proposed will result in early detection and prompt control of the situation.

At no time during the public display period of the Environmental Impact Statement did the South Australian Fishing Industry Council make any verbal or written comment on this proposal. Comments from the South Australian Fishing Industry Council were received in my office through the Dublin Ratepayers Association and then only after the completion of the Assessment Report.

I can only reiterate to the honourable member what I said to him in my letter of 12 February, that the engineering practices to be adopted in the management of the disposal site are such as to prevent the escape of leachates from any of the storage cells. The Environment Protection Authority is satisfied that the proposal can meet the requirements of the *Environment Protection Act* subject to stringent conditions imposed through the development authorisation and an EPA licence.

ROAD SIGNS

In reply to **Hon. G. WEATHERILL** (17 February).

The Hon. DIANA LAIDLAW: Transport SA follows the guidelines in the Australian Standard—AS1742.2 'Traffic Control Devices for General Use' which details the use of the standard guide or 'direction' signs used on arterial roads. These signs may contain 'trail blazer' route numbers, road names, major destinations, certain services (i.e., airports) and tourist information. Careful consideration must be given to the amount of information on signs to ensure safe comprehension by road users travelling at normal speeds. It is considered that the inclusion of property numbers would, in most cases, result in an excessive amount of information which could distract a motorist's attention from the road for too long, thereby compromising road safety.

Traditionally, property numbers have been the responsibility of Local Government and, as such, have been placed at the 'next level' of signing, i.e., Council's 'street name' fingerboard signs installed at intersections (rather than in advance). There are several examples in the Metropolitan area where Councils have already provided property numbers on such signs. Guidelines for the use of the signs are shown in the Australian Standard—AS1742.5 'Street Name and Community Facility Name Signs'. Adelaide City Council, in its central area, is implementing a street name and property number signing program (as mentioned by the Hon. G. Weatherill), while the City of Onkaparinga, in consultation with Transport SA, is considering such a program for some of its business/light industrial areas.

Property numbers are shown in street directories which should be used in conjunction with Transport SA's trail blazer route numbering and general destination signing.

Although primarily the responsibility of Local Government, Transport SA will discuss the issue with Local Government, particularly in relation to developing a standard practice for arterial roads in the Metropolitan Area.

It is understood that the property numbers on signs in Sydney referred to by the Hon. G. Weatherill have been installed by Local Government in a similar manner to that of the Adelaide City Council program.

As the space available for intersection signs is usually limited, it is often difficult to provide numbers of a sufficient size to be useful (and safe to read) for all road users. Property numbers therefore, appear to offer the greatest advantage to pedestrians, cyclists and very slow moving or stationary motorists.

PRIVATISATION

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing a question to the Treasurer, as Leader of the Government in the Council, on the subject of privatisation.

Leave granted.

The Hon. L.H. DAVIS: In recent days we have seen much publicity given to the decision of the Prime Minister, John Howard, to sell the balance of Telstra. Given that the first tranche of shares in Telstra has been so well received and that 1.6 million Australians became shareholders, that is perhaps not surprising. It was interesting to note that the Leader of the Opposition, Mr Beazley—

Members interjecting:

The Hon. L.H. DAVIS: —has publicly opposed the Telstra sale and suggested that this move might result in a reduction of telephone services. I suppose that interjection should go on the record. Mr Holloway has made what will become one of the great comments of the twentieth century: that just because one opposes privatisation it does not prevent

one's buying their shares. This is a twist of logic. Perhaps Mr Holloway knows something about his members and their ownership of shares that we do not.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Mr Beazley has argued that the full privatisation of Telstra could result in a reduction of services to people in the telephonic area. That is the same argument he could have used—that air services would be less safe—when he supported the privatisation of Qantas. However, he did not oppose the privatisation of Qantas or of the Commonwealth Bank.

The Hon. T.G. Roberts: We didn't have a chance to.

The Hon. L.H. DAVIS: Well, it was your Government that did the privatisation.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: Exactly; I am talking about Mr Beazley. It is interesting—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I am talking about Mr Beazley; I am not talking about Mr Roberts.

The PRESIDENT: Order! I will ask the Hon. Mr Davis to resume his seat unless interjections cease.

The Hon. L.H. DAVIS: It was interesting to note that the Federal President of the Labor Party at the time of the privatisation of the Commonwealth Bank was none other than the Premier of South Australia, Mr John Bannon, who, presumably, was quite relaxed about the privatisation of the Commonwealth Bank and Qantas.

In 1991 the South Australian Government owned 82 per cent of the South Australian Gas Company. It announced that it would proceed to sell it off, and it sold 20 per cent in 1991. Then in July 1992 the Government announced that it would sell the remaining shares—and the controlling interest at that—in the South Australian Gas Company.

The Premier at the time (Hon. John Bannon) made that announcement. We have on record that the Hon. Paul Holloway—who, apparently, is a financial spokesman for the Labor Party in this Chamber—supported the sale of the Government's interest in the South Australian Gas Company, which, after all, had reticulated gas to South Australians since 1861—a lot longer than ETSA, which has been going only since 1944.

Eventually, in 1993, 20 per cent of the Government's stake in the South Australian Gas Company was sold to Boral, which then made a full takeover bid for the balance of the shares. Then in February of that same year (1993) the Labor Premier (Lynn Arnold), with the support of the right-wing Labor unity faction, made public the decision to sell and privatise the State Bank. This decision was endorsed by the State Council of the Labor Party in April 1993.

That same Premier, Lynn Arnold, also announced a proposal to sell commercial land and shopping centres at Noarlunga and Elizabeth which were owned by the South Australian Housing Trust and also land owned by the Urban Land Trust. It is important to note that Mr Rann was a member of the Labor Cabinet at that time, and from sources deep within the Party I am reliably informed that he did not raise his voice or one finger against this privatisation.

The Liberal Party has announced its intention to privatise ETSA and, if it is to be a trade sale, this will require the approval of this Parliament, and that is more than can be said about the State Bank proposal of the Labor Party at the time and some of the other things that happened, such as the sale of Qantas and the Commonwealth Bank at the Federal level. Will the Treasurer comment on the apparent, if not breathtaking, inconsistency in the approach of the Leader of the Opposition—

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: Well, the Hon. Carolyn Pickles might like to have a try at explaining it, but I am sure she will not be able to—in another place (Hon. Mike Rann) who, while supporting the State Government's privatisation of the State Bank and the sale of a dominant share (82 per cent) in the South Australian Gas Company which provided energy to South Australia, at the same time is strongly against the sale of ETSA?

The Hon. R.I. LUCAS: The Labor Party and the Hon. Mike Rann would appear to have one fundamental principle in relation to privatisation; that is, if it is done by the Labor Party it is okay but if it is done by the Liberal Party it is to be opposed. The Hon. Legh Davis has very starkly outlined the hypocrisy of the Labor Party in relation to the issue of privatisation. I will not trawl over all the detail of the numerous examples, both State and Federal, where Labor Governments have supported privatisation. In some cases—

The Hon. T.G. Roberts: Not in relation to essential services.

The Hon. R.I. LUCAS: The Hon. Robert says, 'Not in relation to essential services.' Obviously, gas and banking are not essential services.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The interjection of the Hon. Terry Roberts is sadly out of touch if he believes that gas is not an essential service for many South Australian families. That is breathtaking logic from a senior frontbencher in the Rann Government—

Members interjecting:

The PRESIDENT: Order! There are too many leprechauns in the Council!

The Hon. R.I. LUCAS: As the Hon. Mr Davis has indicated, even in some cases where there have been Federal—

The Hon. P. Holloway: Ask the people of Auckland whether they think electricity is an essential service!

The Hon. R.I. LUCAS: Auckland is not an example of privatisation. Again, this is another example of where Mike Rann and the Labor Party have not accurately portrayed the circumstances because Auckland is not an example of privatisation. We discussed this some two weeks ago. It is very similar to the structure of ETSA Corporation and Optima here in South Australia, that is, it is a partly corporatised electricity asset in New Zealand. Yet, on the Monday of the tragedy in Auckland, I am informed, the Labor Party, through Mike Rann and Kevin Foley, were on an hourly basis faxing all media outlets the latest update of the problems in Auckland, claiming riots in the street and also claiming that this was an example of what might happen in South Australia under the Liberal Government's proposal for privatisation. It highlights the fact that the Labor Party does not have a clear ideological position on the issue of privatisation. I will not, as I said, canvass all the detail. It is not a clear ideological position; that is, 'We are opposed to privatisation'—

The Hon. L.H. Davis: You're opposed to privatisation but you'd own shares in it.

The Hon. R.I. LUCAS: The Hon. Paul Holloway and some of his colleagues are the ones who are busily lapping

up shares in the Telstra sale, as the Hon. Legh Davis has indicated and as I am sure will subsequently be revealed when more analysis is done of the shareholding.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, it is not the Hon. Mr Cameron, but a colleague or colleagues of the Hon. Mr Cameron are known to be delighted shareholders of Telstra. As I said, in due course I am sure that will be revealed for public scrutiny and debate. I cannot understand the Labor Party's position on this matter.

On a number of occasions when Mike Rann was a Minister he commenced small privatisation programs within his own departments. He is on the public record as having supported and initiated them. As I said, their only policy on privatisation is that if it is done by a Labor Government it is okay but if it is done by a Liberal Government you have to oppose it.

HEALTH AND COMMUNITY SERVICES

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Disability Services and Ageing questions about multilingual staff and ethnic specific funding in the health and community services area.

Leave granted.

The Hon. CARMEL ZOLLO: A significant proportion of South Australia's ageing population who have reached retirement age are people from non-English speaking backgrounds. Many of these people are likely to need hospital, nursing home or retirement village care and accommodation at some time in the future. It is a medical fact that as some people age their cognitive facilities decline and their comprehension weakens. In the case of people from non-English speaking backgrounds this is often manifested by a reversion to their original language, especially in the case of Alzheimer's disease and dementia. So someone who has lived in Australia for 30, 40 years or more can go into a nursing home and revert to using their original language only and completely lose the facility of their second language, English.

For these people to be in an aged care environment where no-one speaks their original language leaves them feeling isolated, frustrated and often distraught. A number of ethnic specific nursing homes and retirement villages provide good facilities, lifestyle and social interaction between residents. However, they, too, are hampered in the service that they provide by insufficient multilingual staff. My questions to the Minister are:

1. What specific processes are in place to encourage students at tertiary institutions involved with nursing and allied health professional courses to study the most common languages that they are likely to encounter?

2. What, if any, funding has the South Australian Government made available or sought in cooperation with the Federal Government for funding of ethnic specific nursing homes in recent years to meet the needs of ethnic communities in such facilities and institutions?

The Hon. R.D. LAWSON: I thank the honourable member for her question and I know of her interest in this matter. The Home and Community Care program, which is jointly funded by the State and Federal Governments, has included in its annual and triennial plans, recently adopted, provision to give priority for culturally appropriate home and community care, both in the respite and dementia areas mentioned by the honourable member. A number of HACC-funded projects do support specific ethnic programs. I do not have them readily to hand. Also, with respect to the disability area, a number of recently announced programs will provide for carer and home support, especially for those from a non-English speaking background. Again, I will provide additional details of those programs to the honourable member. I am not aware of the specific encouragement, if any, to students and I will obtain information about that and bring back a reply.

WRITERS' WEEK

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about Writers' Week.

Leave granted.

The Hon. A.J. REDFORD: The week before last I had the wonderful opportunity of attending Writers' Week on a couple of occasions. I note from information that I have received that Writers' Week attracted over 45 000 people to the Pioneer Women's Memorial Garden, about 20 per cent more than the 1996 attendances. I noticed a former member of this place, Anne Levy, in attendance on a number of occasions. The range of guest writers was outstanding, including Arundhati Roy, Anne Michaels, and Julian Barnes, and there was a great stream of Australian authors and poets.

However, a number of people expressed concern about the adequacy of facilities: the overloaded tents; the lack of shade at the sides of tents; the catering arrangements; and the potential for accidents on the grass slopes, etc. I might say that all of that was probably caused by the unexpectedly high attendances. Will Writers' Week stay at the Pioneer Women's Garden in the year 2000 and, if so, what arrangements will be made to improve facilities; and, secondly, if improvements are made, will entrance to Writers' Week remain free?

The Hon. DIANA LAIDLAW: Certainly as long as I am Minister for the Arts Writers' Week will be free. I believe that that would always be the intention of the Government and the Adelaide Festival Board. I believe that that is absolutely critical in terms of the popularity of Writers' Week, as demonstrated by the figures to which the honourable member has referred (a 20 per cent increase). I know, too, from the feedback I have received from writers who, like myself, have attended writers' week festivals on a similar scale to Adelaide's, both interstate and overseas, that the Adelaide festival is the only one which is free.

Melbourne and Sydney have writers' week festivals but one must pay for each individual session where a writer is speaking and, as far as I am aware, that is the case at Edinburgh, throughout Europe and in the United States. The writers themselves were remarking what an extraordinary experience it was to attend Adelaide. Many said that it was the best writers' festival they had ever attended. Writers generally can be a cynical lot but they were full of enthusiasm for the site.

A wonderful advantage about staging free events is that people do not have to book in advance. People can wander between tents and discover a writer about whom they were not familiar rather than hearing just one writer, such as Anne Michaels, whom I was really keen to hear after reading her book *Fugitive Pieces*. She has been an absolute heroine of mine and I could not wait to hear her or Julian Barnes, as well as some of the other interstate and overseas writers. It is also a joy to wander between the tents and meet individuals.

People catch up over coffee and mingle with writers generally because they are not channelled in and out of the venue on the basis of what session they have paid to attend.

It is also apparent that the site is under some pressure as a result of the 45 000 people who attended on this occasion. On two of the days I attended the temperature must have been at least 50° in the tents. People were overflowing on to the sides of tents and there was little shade. I am very keen, and I know that the Writers' Week committee is keen, to stay at the current site. Greg Mackie, Chair of Writers' Week, is retiring from that position but I understand that Writers' Week is to take up the issue with the Adelaide City Council to see whether more tree planting can take place at the site. Certainly I think that exhaust fans ought to be installed in the tents to expel much of the heat and to assist the catering facilities.

It was really packed around the refreshment and food tents. I am loath to think that the festival has outgrown its site because of its popularity. It is much loved. Certainly I love it. People working in the city can just run down to hear a favourite author and then return to work.

The Hon. A.J. Redford: Those grassy banks can be used, too. A lot of people were sitting there.

The Hon. DIANA LAIDLAW: Yes. One concern to be taken up with the Adelaide City Council is that the grass slopes become very slippery with overuse and some accidents have occurred. We may have to arrange a different form of access and a different arrangement for casual seating on the grass. I know that Writers' Week is keen to stay at that location. I understand that that view is endorsed by Robyn Archer as the Artistic Director of the next festival. I know some speculation has been made about moving to other sites. The Wayville Showgrounds has been suggested but I have not heard of anyone who actually supports that notion other than for the airconditioning that that site would provide but, in terms of atmosphere, it would be nowhere near as good.

The Hon. A.J. Redford: Perhaps we can have a children's writers' week—

The Hon. DIANA LAIDLAW: I was approached by people, including Ruth Starkey and others, about having a children's writers' week on the Saturday of Writers' Week—

The Hon. A.J. Redford: We'd see more members of Parliament there.

The Hon. DIANA LAIDLAW: It was not for members of Parliament that they were seeking to have the initiative, but I think it would be absolutely excellent and I propose to take up the idea of writers for children. Certainly Jill Paton Walsh who was attending from the United Kingdom and who was speaking about adult literature also writes brilliant children's books of which my nieces and nephews are avid readers. They were really keen to hear her speak about children's literature but there was no opportunity to do so.

I think that, from what Ruth Starkey and other people have suggested and from the nods I am getting around this Chamber, we should be looking at having a Saturday event for school children and generally having a day for children's literature. I think that, at a time when there is increasing commitment by kids to television and the Internet and the associated isolation of those activities, to encourage reading and the love of literature from an early age is something we can all provide for younger generations.

PRISONS, DRUG AND ALCOHOL TREATMENT

In reply to the **Hon. IAN GILFILLAN** (24 February).

The Hon. K.T. GRIFFIN: Departmental statistics for the prison population in this State reveal that 32 per cent of prisoners have committed an alcohol or other drug related offence.

As the honourable member has quite correctly identified, this figure is likely to be higher since it does not include the number of property offences committed to finance offenders' use of drugs of dependence, nor does it take into account crimes of violence committed while offenders are intoxicated by alcohol or other drugs. An indicative Australian profile quoted in the Department's Annual Report, and which is quoted by the Hon Member, puts this as high as 75 per cent to 80 per cent.

Care needs to be taken when drawing conclusions from these figures. In particular it should not be assumed that all of these offenders require, or indeed are suitable for, drug and/or alcohol intervention treatment. There are a number of issues which can and do affect these statistics including:

- any Australian profile is likely to be heavily biased toward New South Wales and Victoria because of their higher prisoner population numbers;
- offenders often resort to claiming the affect of alcohol or drugs as a reason for the offence to attract lesser penalties; and
- an offender who has committed an offence whilst under the influence of alcohol or drugs may not necessarily require intervention treatment. Only those who are addicted or who have a significant problem fit into this category. Others may well be better suited to violence intervention and related programs.

Notwithstanding, prison authorities throughout the world acknowledge that offenders with drug and alcohol related problem make up a significant portion of the prison population.

The key is to identify those who require and will benefit from intervention treatment and, most importantly, to successfully motivate these offenders to want to overcome their dependencies. Until such time as an offender is committed to overcoming his/her problem, any intervention treatment is of little use.

Currently, prison administrators in South Australia provide alcohol and other drug counselling in prisons in response to need. Counselling is provided both in the prison system and in Community Corrections on a one to one basis or by group work programs.

However, prison authorities in South Australia are currently implementing a strategy which was developed in conjunction with the SA Health Commission. This strategy will more accurately identify those offenders who will benefit most from intervention treatment. New initiatives being developed involve a range of coordinated programs dealing with alcohol and other drug use and related offending behaviour.

These new initiatives establish alcohol and other drug responses as core business for all sectors of the Department. An integrated range of individual and group work programs based on assessed need and motivation levels include:

- all prisoners entering prison will be assessed for potential problems associated with intoxication or withdrawal from alcohol or other drugs;
- all prisoners will be provided with a pamphlet and education session on drug and alcohol support services on entry and exit from prison;
- prisoners identified as having drug or alcohol related problems will be offered motivational intervention to encourage them to address their alcohol and drug problems;
- those prisoners, identified as having an established drug and alcohol problem and who are sufficiently motivated, will take part in a six session therapeutic program;
- younger prisoners, identified as having an alcohol only problem, will take part in an Ending Offending program consisting of six sessions. Similarly, young Aboriginal prisoners identified as having alcohol only problems will take part in a six session culturally specific Aboriginal Ending Offending program; and
- the New Era Therapeutic Centre at Cadell Training Centre will continue to cater for those prisoners with long standing and complex histories of drug or alcohol use and who are willing to commit to the program.

Since 1995 an estimated 100 prisoners have taken part in this program. Prisoners stay in the Therapeutic Centre for at least six months with an average stay of ten months. The centre offers 21 places to prisoners. However, because of its specialist role and the need for prisoners to be motivated to participate in the program, the average occupancy rate is 15.

In conclusion, only a small percentage of those prisoners who have been sentenced for drug and alcohol related offences require, or are suitable to undertake, the intensive intervention programs

provided by the New Era Therapeutic Centre at Cadell. The average occupancy rate of the Unit, 15, is indicative of the number of prisoners who meet these criteria. I therefore do not share the Hon Member's view that the number of prisoners with drug and alcohol related offences is far in excess of the capacity of this centre.

All other offenders, with lesser drug and alcohol related needs, are encouraged and motivated to access other departmental programs which are directed at overcoming their drug and alcohol related needs. These programs, consistent with new initiatives currently being developed and implemented, will be more comprehensive under the new procedures currently being implemented.

VOLUNTARY VOTING

In reply to **Hon. J.F. STEFANI** (24 February).

The Hon. K.T. GRIFFIN:

- It is estimated that the total cost to the Electoral Office for the follow-up of non-voters from the 1997 elections will be $155 000, comprising:

Postage	$52 000
Telephone	5 000
Casual salaries/wages/overheads	55 000
Permanent staff salary apportionment	43 000

- The above cost estimates do not include Crown Solicitor's Office or Courts costs.
- At this time it is anticipated that some $40 000 could be expected from expiation and reminder (late) fees.
- There were 42 500 first notices issued on 7 January 1998 and 13 300 expiation notices issued on 23 February 1998.
- Electors were given 30 days to respond to each of these notices.
- It is expected that a reminder expiation notice will be posted to electors who have not responded, do not make payment or do not offer an accepted excuse in the latter half of April. This notice can be expiated on the payment of $47.00 within a fourteen day period.
- Enforcement orders will then be issued, if appropriate, during May 1998.

POLICE SECURITY SERVICES

In reply to **Hon. T.G. CAMERON** (24 February).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has provided the following response:

- At the time of filming the story, Police Security Services Division (PSSD) members were testing a different speed camera. It was one of a number being tested and evaluated as part of an official tendering process involving potential expenditure exceeding a million dollars.
- The evaluation process was being conducted by police officers from Operations Support Command's Research and Development Branch. In order to satisfy requirements for the tendering process involving such a large purchase, those involved in the field tests were told to avoid media access and coverage, so as not being seen to be favouring one particular machine. Their actions therefore were not pathetic but entirely proper.
- The actual use of speed cameras and the sites at which they are operated are controlled by the computer system within Traffic Research and Intelligence Services. The actual sites are generated from crash data, complaints from the public and requests from operational police both metropolitan and country. The intelligence process is strongly driving traffic policing.
- Speed cameras and laser guns are playing a leading role with RBT in the 23 per cent reduction in the road toll. The fatality rate is the lowest for four decades and credit is due to all the police and PSSD members who contribute to traffic policing and road safety.
- Yes, speed cameras and laser guns do raise revenue, because speeding is the purest form of user pays. Speed cameras and laser guns save lives and are used for that reason—not to raise revenue.
- It is true that many of the public still think that police officers operate speed cameras but a change of division title or uniform design will not necessarily change that.
- The only place the word 'police' appears on PSSD uniforms is within the SA Police badge acknowledging that it is part of SAPOL. Underneath the embroidered badge on the arm patch the word 'Security' appears in bold letters. Further, chequered hat bands are only worn by police officers.
- There are no immediate plans to change the PSSD uniform although from time to time this matter is discussed between SA Police Association and the Commissioner of Police.

MIDLAND BUSINESS COLLEGE

In reply to **Hon. CAROLINE SCHAEFER** (19 February).

The Hon. K.T. GRIFFIN: The Minister for Education, Children's Services and Training has provided the following information.

1. Midlands College is registered with the Accreditation and Registration Council (ARC) as a Registered Training Organisation. The ARC is a statutory body established under the Vocational Education, Employment and Training Act and is, amongst other things, responsible for registering training organisations in accordance with nationally agreed criteria.

A condition of registration with the ARC is that the organisation has mechanisms in place to protect student fees paid in advance. The current policy states that an acceptable arrangement is for fees to be placed in an '. . . account which is separate from the provider's operating accounts and in which students' fees are held in trust by a third party and released to the provider when the services have been rendered.'

Midlands College had established a "fees holding" account and had advised the ARC that it would place the operation of this account in the hands of its accountant. Information given to students enrolling with the College also stated that this arrangement was in place. It appears that at the time of closure of the College, fees paid in advance for terms two, three and four were deposited in the 'fees holding' account.

2. Initially, doubts were raised by other creditors and their legal representatives as to whether the fee protection mechanisms adopted by Midlands would protect fees placed in the holding account from other creditors of the College. The Administrator has since received legal advice on this matter and has verbally advised officers in the Department of Education, Training and Employment that students who had paid fees in advance for terms two, three and four will be entitled to have these fees returned to them.

The Administrator has also come to an arrangement with Adelaide Legal and Commercial College and made an offer to all students enrolled with Midlands to continue their training. Adelaide Legal and Commercial College is based in the Adelaide CBD and is registered with the ARC to deliver the qualifications in which these students are enrolled. The students will not be charged any fees for training they had already paid for with Midlands.

3. As indicated in my earlier response the payment of Austudy is a Commonwealth Government responsibility. Centrelink is the agency responsible for the administration of Austudy allowances and I am advised that Centrelink officers have contacted all students who were studying at Midlands and who were in receipt of Austudy allowances. These students have been assured that their allowances will continue to be paid if they continue the training they were enrolled for with Midlands with another Registered Training Organisation.

It is unfortunate for those students concerned that they have had to suffer the disruption and anxiety that no doubt was caused by the closure of Midlands Business College. However, it appears that the procedures put in place by the College in accordance with the requirements of the ARC have provided a reasonable level of protection to students affected by this unfortunate situation.

KANGAROO ISLAND FISHERY

In reply to **Hon. IAN GILFILLAN** (9 December 1997).

The Hon. K.T. GRIFFIN: As the honourable member has indicated, adjacent fish stocks to Kangaroo Island provide a considerable input into the island economy by providing numerous fishing opportunities for both local residents and the many tourists that travel to the island to participate in recreational fishing activities.

The abundance of such opportunities does however lead to the breach of fisheries management measures by a number of self interested fishers. It must however be noted that in general the conduct of the recreational fishing community on Kangaroo Island is that of responsibility and stewardship.

The comments by the honourable member regarding the sale of abalone or rock lobster to the 'local pub' do not however stand up under scrutiny, and as there are only a very limited number of local pubs on the island these comments may be offensive to the various publicans.

In 1992 the government took the step to relocate the local fisheries office. This step was taken after lengthy consideration and made on the basis that the service provided to the local community when an officer was stationed on the island would not be reduced. It was considered then, as now, that careful planning of compliance activities, augmented by local participation in the 'Fishwatch' program would ensure that breaches of the Fisheries Act would not increase as a result of the relocation of the local officers.

A pro-active regime of both uniformed patrols and 'plain clothes' operations, targeting the more serious offences was commenced and continues as part of the fisheries compliance unit's normal activities. These comments are borne out by advice from the fisheries compliance unit regarding activities either undertaken or planned for Kangaroo Island.

They include such activities as:

- The deployment of fisheries compliance officers during peak periods, obviously it is not appropriate for me to detail these deployments but you can be assured of an adequate presence when it is determined necessary;

- The recent deployment of the abalone task force to Kangaroo Island to undertake both uniformed and plain clothes operations during the month of October (a time that has historically shown to be one when abalone poaching operations become prevalent);

- The recent attendance of the fisheries volunteers to the Island to provide a point of contact to both local and tourist fishers (at the Kingscote Show and for three days in October); and

- The recent attendance of the fisheries patrol vessel Tucana to the Kangaroo Island area, in fact, I understand that the patrol vessel was operating in the area when these concerns were raised and had the week before been anchored at Antechamber Bay, within sight of the Honourable members island residence.

It must also be noted that the government shares the concerns of the local progress association with respect to the apparent apathy shown towards the Fishwatch program by local residents.

The Fishwatch program has been a highly successful program in those areas where the local community has taken it to heart.

I can only urge the residents of Kangaroo Island to get behind the program and provide the support it deserves. Quite obviously not all calls will be responded to, but every call adds to the oversight of activities on the island and will aid further planning by the fisheries compliance unit to enable a cost effective, targeted fisheries compliance agenda to be maintained.

It must also be noted that all police officers are authorised fisheries compliance officers and a substantial relationship has been developed between the local police officers and the fisheries compliance unit. This has led to a number of joint patrols and the development of fisheries expertise by the local police officers.

Considering these initiatives it can be considered that with community support the issue of illegal fishing can be adequately addressed using the resources and their appropriate deployment, currently available to the fisheries compliance unit.

MURRAY RIVER FISHERY

In reply to **Hon. R.R. ROBERTS** (2 December 1997).

The Hon. K.T. GRIFFIN:

1. Up until the recent surrender of nine licences, the estimated length of the River Murray allocated to commercial reaches was 207.86 kilometres (or 37 per cent of the total length of the River within South Australia). The nine reaches that have been cancelled are no longer regarded as commercial fishing areas. The plan for the restructure of the commercial river fishery is to allow the 30 remaining fishing reaches to be relocated and restructured in such a way that length of the River under commercial fishing activity is no more than 207.86 kilometres. It is anticipated that the new structure of the commercial fishery will remove commercial fishing activity away from popular recreational use areas and provide an improved distribution of commercial reaches along the full length of the River.

The location of the commercial reaches will be negotiated with local councils and interest groups as well as being submitted to the River Fishery Structural Adjustment Advisory Committee for approval. This committee has been established to provide community based input into decisions on the relocation of commercial fishing reaches and fishing access arrangements in backwaters and has representation of key interest groups on the River Murray.

Portions of the surrendered reaches may be reallocated to other reaches as part of the restructuring process.

2. The provision for me to approve exemptions to any person or class of persons from any regulations under the *Fisheries Act 1982*, are embodied in section 59 of the Act. Pursuant to section 23, I have delegated this authority to the Director of Fisheries and the Manager, Legislation and Policy in the Fisheries Division of Primary Industries and Resources SA.

3. The current notice of delegation is in writing and is signed and dated 8 June 1997.

4. The establishment of the River Fishery Structural Adjustment Advisory Committee was announced in August 1997. The membership of this committee is:

Mr Lindsay Durham	Chairperson
Mr Bryan Pierce	South Australian Research and Development Institute;
Ms Samara Miller	Primary Industries and Resources, SA;
Mr Rod Coombs	Riverland Fisherman's Association;
Mr Bob Twyford	Bookmark Biosphere Trust;
Mr Ray Brown	Inland Region Recreational Fisheries Committee;
Mr Leon Broster	Murray & Mallee Local Government Association;
Mr Tom Loffler	Murray & Mallee Local Government Association

This committee had its first meeting on 19 January 1998 at Mannum, principally to consider applications for the relocation of two commercial fishing reaches on the River Murray between Nildottie and Purnong. Present at this meeting were three councillors from the Mid-Murray Council. The committee supported the relocations and have provided their recommendation to me. The committee will be meeting in the near future to consider other matters relevant to the restructure and review of the commercial river fishery.

WASTE DISPOSAL

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Minister for Transport and Urban Planning some questions about recycling. I point out that I am not sure whether I am asking these questions of the correct Minister; however, I am always happy in these mysteries to be guided by either you, Mr President, or by the Government's front bench.

Leave granted.

The Hon. T. CROTHERS: It is no secret to members of this Council as to what I think of the current methods of rubbish and waste disposal. Heaven alone knows I have reiterated them enough in this place. So, as members may imagine, an *Advertiser* article of 3 March this year entitled 'Crisis Meeting Over Recycling' came as no surprise to me. Amongst other things the article stated that metropolitan councils collect some 8 500 tonnes of paper and cardboard annually, that one of the major collecting companies of this waste has some 9 000 tonnes of cardboard stockpiled at its Dry Creek depot and that, according to that company's State Manager, Mr Sylvain Janiszewski, they just cannot offload it. Further, he said that several years ago Amcor paid suppliers up to $25 a tonne for wastepaper and cardboard but that now the company is forced to charge up to $90 a tonne to take paper and cardboard from the same suppliers. Likewise, the Chief Executive Officer of waste collection company East Waste opined that commingled paper and cardboard was too expensive to sort out even at $45 a tonne.

Further, this article points out that the difficulty in selling paper and cardboard waste is a blow to both the Marion and Burnside councils which recently introduced expensive split-bin waste collection systems. In respect of this it is said that both these councils collect paper and cardboard mixed

together because that is easier for residents. In the same article, the Chairman of Recycle 2000, Mr David Plumridge, in a final summary said that this industry was in turmoil and that councils needed more money now. This problem of waste disposal, coming on top of the Government's current problems of finding suitable areas to place the rest of this State's waste, could be said to add up to a very big problem in the not too distant future. Therefore, my questions to the Minister are:

1. Has the Government had any success in finding suitable areas of landfill in which to dispose this State's waste given that the present in-use sites are filling up rapidly?

2. What can the Government do to coordinate all the systems of waste disposal so that the Marion and Burnside councils' predicament does not occur in some form or other in some other council area?

3. Has the Government ever considered the option of legislation which would make the retailers to the public of such waste as this responsible for the collection and disposal of the same, in other words the German method, and, if the German method has not been considered, why is this so?

The Hon. DIANA LAIDLAW: I, too, read the article to which the honourable member referred and was concerned with the issues raised by the recyclers and councils generally. In terms of landfill sites, the honourable member would be aware that it is a controversial issue at any time, because no council area wishes to have a recycling or landfill facility in its area. Under the major projects category, I have recently assessed—and the Governor has given approval for—a site at Dublin. That will be to the highest of conditions in terms of best practice. I heard Mr Stephen Walsh, Chairman of the Environment Protection Authority, speak today about the conditions that it would require for any licence to operate that facility at Dublin. It will operate by extracting, in the Wingfield area, all the recyclable products. Other product will go to Dublin in bales similar in form to a hay bale. They will be stacked and treated in a manner that will avoid the leachate and other difficulties that have happened in the past at landfill sites where there has not been the care in terms of the conditions attached to the licence or the monitoring of the facility.

I highlight that there are other applications before the Development Assessment Commission in terms of recycling proposals for Adelaide. This cost issue in terms of return on product—whether it be cardboard or other material—is an issue in all respects because they are commercial operations. The Visy Board Company has given undertakings to the Premier that in the near future it will be very keen to establish a big recycling facility here for cardboard, and some work has been undertaken to advance that project. With regard to the Government's coordination of waste disposal, I highlight that the Minister who has direct responsibility for this portfolio area is not the Minister for Urban Planning but the Minister for Environment and Heritage. I will refer the honourable member's questions in relation to waste disposal, potential legislation in terms of rubbish collection and retailers—the German system—to the Minister and bring back a reply.

TOBACCO PRODUCTS REGULATION (LICENCE FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 322.)

The Hon. P. HOLLOWAY: The Opposition supports the Bill. In many respects we sadly support the Bill because it does represent a further deterioration in the position of the States within the Australian federal system. At a time when the vertical-fiscal imbalance is the greatest threat to the Australian federal system, the High Court's decision last year in relation to tobacco, petrol and liquor franchise fees put the Australian federal system into great decay. In my view it is now at the stage where the very existence of the States themselves is under threat, and perhaps in 15 or 20 years the States may no longer exist. But we support the Bill because it simply comes to terms with the inevitably of that High Court decision. On 5 August last year, the High Court handed down its decision on the customs and excise power in the Constitution, which is section 90 of the Constitution. That section provides that:

> On the imposition of uniform duties of customs the powers of the Parliament to impose duties of customs and excise and to grant bounties on the production or export of goods shall become exclusive.

In the case of *Ha and Hammond v New South Wales* the plaintiffs were charged under the Business Franchise Licences (Tobacco) Act 1987 (NSW). That Act provides for a licence fee which includes a set amount plus an amount calculated by reference to the value of tobacco sold during the relevant period. In that case the plaintiffs argued that the licence fee imposed by the Act was an excise and therefore invalid under section 90 of the Constitution. A majority of the High Court agreed. The majority rejected the two key arguments of the States, that is, for a tax to be an excise it must make local (Australian) production or manufacture the discriminant of liability and that the imposts under the New South Wales Act were merely fees for a licence to carry on the business of selling tobacco and not a tax on the tobacco sold. In their decision, the majority stated:

> Duties of excise are taxes on the production, manufacture, sale or distribution of goods, whether of foreign or domestic origin. Duties of excise are inland taxes in contradistinction from duties of customs which are taxes on the importation of goods, Both are taxes on goods, that is to say, they are taxes on some step taken in dealing with goods.

The majority of the High Court did not accept the New South Wales argument that the fee was merely a licence for carrying on a business. They saw that it was 'manifestly a revenue-raising tax imposed on the sale of tobacco during the relevant period.'

In 1995-96 State tobacco franchise fees raised $4.9 billion and represented 16 per cent of taxation revenue. In coming back to the point I made at the beginning of this speech, this State was already dependent on the Commonwealth for over 50 per cent of its revenue prior to this decision. We are now dependent for over 60 per cent of our revenue from Commonwealth sources, which is not in my view a stable position within any Federal system.

Because the Commonwealth provides such a significant amount of financial assistance to the States it has enabled the Commonwealth to engage in policy making in areas over which it has no direct constitutional power and has given it influence over State borrowing, and, of course, increasingly State Ministers, when they go off to these ministerial conferences, would well know that the Commonwealth holds all the cards on just about every matter these days, and with decisions such as that by the High Court that can only continue. So the invalidation of State business franchise fees has had the effect of just further increasing that degree of

vertical fiscal imbalance in Federal-State financial relations. All States and Territories, while facing the annual shortfall of $4.9 billion, are also exposed to potential claims for refunds, and of course that is a matter addressed within the Bill.

Members of this House would well remember that in February last year the State Government introduced the Tobacco Products Regulation Act, which attempted to avoid the possible consequences of the High Court decision—which then had not been made but which was expected—by introducing legislation to directly relate the fees to the tar content in cigarettes. Whereas previously there had been a flat fee, under the Act passed in this Council early last year a levy was to be placed on the tar content. That legislation involved a three-tier process by which the lowest licence rate commensurate with the lowest tar content of cigarettes stayed at the rate that had previously existed for tobacco, at 100 per cent, and it was increased where there were higher levels of tar present.

The legislation was likened by the then Treasurer Mr Stephen Baker to the fee structure for low alcohol beer and for unleaded petrol. During that debate, the then Treasurer accepted that the purpose of the legislation was not to protect the consumer, although there were some members of the Government, particularly the Minister for Health who did argue that it was a health measure. However, I think the Treasurer really accepted that the main purpose of this was to protect the State Government against the possible decision of the High Court. I shall quote from *Hansard* what the former Treasurer said on 4 March last year:

> We would not like to see our taxation base eroded by some of the nefarious challenges put before the High Court.

We now know that, once the High Court decision had been handed down, the States and Territories came to an agreement with the Commonwealth to allow the Commonwealth to use its taxation powers to collect the revenue previously raised by the States and Territories and to introduce windfall gains tax legislation to protect against claims for refunds. Therefore, the legislation that was passed by the South Australian Parliament last year was to remain untested and the current Bill repeals the relevant sections. However, it is perhaps worth recording some comments made by the Treasurer, Stephen Baker, just after the High Court decision. He stated in the *Advertiser* of 7 August last year:

> The High Court made the decision so I suppose the ultimate blame for this whole thing goes back to the High Court and some looney judges.

So that brings us to the current Bill, which proposes to put into effect the commitment between the States and the Commonwealth as the Commonwealth will only use its taxation powers to collect this revenue on the clear understanding that the States and Territories repeal the relevant provisions of their business franchise fees Acts, with effect from the dates on which the increases in Commonwealth excise and wholesale sales tax were imposed on each of the affected products.

So that High Court decision was one of the most significant developments in the history of this Federation, and certainly from a State perspective it is not a particularly healthy sign. As I said earlier, it may well mark yet another nail, perhaps the final nail, in the coffin of this State's very existence, because I for one am not particularly hopeful that we will get much meaningful advance on the vertical fiscal imbalance problem. There was optimism that this might happen in the days when Bob Hawke was Prime Minister and Greiner was Premier of New South Wales. That did not eventuate and certainly John Howard and the current Federal Liberal Party are in my view no more inclined to make some advance on this front than any of their predecessor Governments over the history of Federation have been. So the simple fact is that we have no option but to accept the impact of the High Court decision and the fact that the States will now be ever more dependent on the Commonwealth for the provision of finance.

So we do support the Bill. There are some questions which I would like to ask during the course of this debate and I shall place them on the record now. Firstly, given that the High Court decision involved not just the tobacco franchise fees but the liquor fees and the petrol franchise fees as well, I think it would be helpful if the Treasurer could indicate how much income was expected to be received from those three sources in the current financial year had they remained with the States. Could we have the figure as to how much we now expect to get from the Commonwealth in reimbursement from this source, so we can see the total impact of the High Court decision upon the State's revenue?

There are also some other factors in relation to this Bill which I should mention. One of them is that Part 6 of the principal Act is now being repealed. This will have some effect of course upon the funding of Living Health. Living Health was originally set up to be funded by a 5.5 per cent levy from the money taken from the tobacco licence fees. In the future, of course, the funding of Living Health will be dependent upon Government allocations through the budget. So, I would like the Treasurer, if he can address this question, to indicate how Living Health will be funded in the future from general revenue. Will he, for example, guarantee that payments into the Living Health fund will be maintained at their previous levels, given that there is now no statutory guarantee of the funding for Living Health?

On Thursday 20 March last year, the Minister for Health stated in the House of Assembly, upon the passage of this Tobacco Products Regulation Bill, that the Government would commit the first $2.5 million of any additional revenue raised by that legislation on an annual basis to a fund to be administered by the South Australian Health Commission. The Minister for Health agreed, after some negotiation with all Parties in this place, that that money would go to funding education against smoking, and that is how this Bill was originally passed. So, I ask the Treasurer to comment on the future of this particular measure. I might say that this $2.5 million was included in a press release at the time of the last budget. So, I ask the Treasurer: how much of that $2.5 million which was then promised by the Government in that budget press release has been spent to date, and on what?

Will the Government continue to stand by this commitment to implement education and policy programs designed to reduce the incidence of smoking, particularly amongst young people? How will this commitment be funded, considering that the new Bill makes no reference to this type of funding? I would appreciate an answer to those questions from the Treasurer during the appropriate stage of this Bill because, unfortunately, while we are losing financial control of revenue from tobacco, as a State we will still be left to deal with the problems that smoking undoubtedly causes to the health of the community. The Opposition supports the Bill.

The Hon. M.J. ELLIOTT: I support the second reading of the Bill and, in so doing, will echo many of the comments just made by the Hon. Paul Holloway. As I see it, we have

been left with no option in relation to having to legislate in this way, but what has amazed me since the implications of the High Court decision have become apparent to us as politicians is how little discussion there has been in the community about the implications upon the whole structure of governance in Australia. There has not been a public discussion, yet the implications in relation to the High Court decision are absolutely profound. In fact, I believe—and the Treasurer can confirm this—that the State's own revenue now might be down to around 30 per cent, which severely constrains the State's ability to make decisions on its own.

A trend started under Hawke and continued under Keating of a diminution in untied grants, with the Federal Government increasingly telling State Governments precisely what they can do with the money being provided at the Federal level. But at least we still had, I believe, close to 50 per cent of our own moneys, about which we had some ability to make a decision. Unfortunately, the current Federal Government has continued that trend, to the extent that funding is being linked to requests by the Federal Government for us to do what it wants on a regular basis.

Even more so, it has become a problem with the increasing activity of the ACCC, with the Government trying to suggest in recent times that the ACCC has lent moneys to the States with decisions about electricity, about whether or not we privatise the casino or how many casinos we have. Today we have a ministerial statement about shop trading hours, and we see competition policy again being quoted within that as a part excuse, and threats are being made at a national level. State independence is now seriously undermined due to our limited capacity to raise our own funds. I believe that we will see an increasing trend by the Federal Government to take over policy that formerly was taken for granted to be a State matter.

It is rather confusing when you sit down and read the Federal Constitution, where the powers of the Federal and State Governments are clearly spelt out, but Federal Governments know that whoever controls the purse strings ultimately has all the power, regardless of what constitutions may say. It is time that a broad ranging debate got under way in terms of Government structures within Australia. The Federal Government is now talking about GST and other tax reform, and I have no doubt that it will be putting pressure on States to remove payroll tax and some of the other few forms of taxation that they currently have available. We cannot talk about tax reform without talking about Government structure within Australia and the sorts of structures you want to have in the future.

Unfortunately, the debate at this stage is building up to be a large debate but with a very narrow base. I believe that it is important that the implications of the issues driving this legislation are clearly understood. Without stating a view one way or the other about the importance of States—and I do have a strong view that States are important—the issue should be debated and there should not be change in Australia due to inaction rather than deliberate action.

So, the Democrats support the second reading, because I believe that the High Court decision has left us with no real choice. But I believe that the issues that surround the High Court decision urgently need a vigorous debate in the community at large.

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

CHILDREN'S SERVICES (CHILD CARE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 461.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. My interpretation of this Bill is that it is mainly concerned with the provision of family day care services, altering the total number of children allowable at family day care at any one time. I also note that this is a national policy decision taken by the relevant Ministers in 1995. Paramount to the provision of child care services are the health, welfare and safety of the children, but we must not conveniently ignore the needs of child care workers, who have also been suffering John Howard's funding cuts in this area, which in the past two Federal budgets has totalled $820 million.

As my colleague, the shadow Minister in another place, has highlighted, the state of child care in this country is in dire straits. As a former shadow Minister in this area, I saw at first hand the crisis that is currently engulfing child care. In the past 12 months, eight child-care centres in South Australia have closed, placing more and more pressure on parents, not to mention child-care workers who are now unemployed—and I read in the *Advertiser* the other day that there is a threat of yet another closure. In South Australia, current weekly charges for one child to attend child care can be up to $190-$200. Such a figure is an enormous disincentive, especially for single parents, who may not be earning much more than the cost of the child care.

In response, parents have had to either increase their hours at work or, in a worst case scenario, give up paid employment altogether. I agree with the comments of the shadow Minister in another place and urge the State Government to take action to arrest the current crisis and disarray in the child-care system and to bring what pressure they can to bear on their Federal colleagues.

In relation to this Bill, one thing that concerns me is the Deputy Premier's alleged public and industry consultation on this matter. I noticed in the Deputy Premier's second reading explanation that he claimed that this Bill has been strongly supported and lobbied for by the child-care industry reference group. However, I understand that there has been a lack of broad public consultation on this matter.

I also note the amendment to extend the licensed period of operation of a child-care centre from 12 months to two years. My question to the Treasurer is: will this change have any effect on licence fees payable by child-care providers? Is the Treasurer able to advise me of the status of the implementation of this policy around the country and which other States have successfully achieved the legislative changes required?

I note that the Government tabled the Bill only days before the end of the year. I have circulated today an amendment that was foreshadowed by the shadow Minister in another place in relation to clause 5, and I will deal with that in more detail in the Committee stage.

The Hon. SANDRA KANCK: When I received this Bill I had some reservations about it, and my initial reaction was that it was probably a response to the Federal Government's funding cutbacks for child-care centres. I spoke with the women's network in the Democrats to get some feedback from them on it, and I followed that up with various questions

and a briefing, and I now feel much more comfortable with it.

Like most women with children, I have had the experience of trying to find suitable child care, and I was in that position 25 years ago and did not have the options that are available now. I had my son in a kindergarten for a while but because of illness he lost his place, and then I tried to find child care and I experienced both the good and the bad. In one case my son started having nightmares a few weeks after commencing care with one woman, and I eventually found that the problem was intimidation by this woman's son, and I had to take him away.

On the other hand, another carer was just so good that, when I dropped my son off in the morning, he would hop out of the car and toddle through her front door without even turning around to wave me goodbye, and I had to remind him that I was his mother and that perhaps a little wave to me might be a good idea. I experienced the highs and lows of that private arrangement with child care. Many parents desire to have as near as possible to a family situation with their child care and, because of that preference, we must make certain that standards are in place that allow the best care to be given to children.

The major issue in this Bill is that of extending the number of children for whom a carer can provide care, and I looked at that from my own experience. If we extend the number from three to four children, is that too many? As the oldest of seven children and having been responsible for my brothers and sisters on many occasions—

The Hon. R.I. Lucas: You want to increase it to seven, do you?

The Hon. SANDRA KANCK: I do not think that increasing the number from three to four is all that much, but some people might view it as such. If I as a young child was able to look after six other children, I expect that a woman who has plenty of experience in looking after children could look after the one additional child that this Bill proposes.

Once I had been briefed on this Bill, I was heartened to find out what the situation is, and it is so much better than that which I faced 25 years ago. For a start, any person who wants to set themselves up as a care provider under this scheme has to go through various security checks, including police records and so on. I was interested to note that, currently, carers are going through a self-audit process, and this left me even more reassured. Some of the things in the audit may seem a little trite and to some extent it is a self-education manual. For example, the page about plants tells potential carers or existing carers:

> It would be advisable for the following four plants to be removed from the children's play area because of the danger they pose to children.

It lists castor oil plant, oleander, foxglove and wintersweet. It states:

> Beware of plants that produce a white sap from the leaf, branch or stem when broken, as they can cause severe skin reactions and are harmful to the eyes.

Care providers are being given information that will assist them to look after their own children, and they are probably better off than most other parents. There are quite a few things of that nature in this audit. It states simply, 'Please list any poisonous plants in your house and grounds.' It means that a potential care provider has to look around and be sure that they do not have plants that they know to be poisonous. As I said, it is an education process as much as anything else and carers simply check 'Yes,' 'No,' or 'Not applicable' in the box before sending back this book, which comprises 128 pages. If they fail themselves or they are deemed to fail, a field worker will contact them about those areas where they have failed.

The question of fire drills is an interesting one. Again, if care providers or people who are approved as care providers have these sorts of procedures in place, they will be better off than most people because the audit asks questions such as this:

> Do you have a written emergency plan for fire and other emergencies? Is it regularly updated? Is it displayed where it can easily be seen or is easily accessible in an emergency? It is essential that you have a smoke alarm and either a fire extinguisher or a fire blanket.
>
> Do you have a smoke alarm that works located properly? Do you have a fire extinguisher or a fire blanket which is easily accessible to you?

Because it is compulsory, a field worker would advise that, unless a fire extinguisher was acquired, a potential carer would not be regarded as suitable.

Some people consider that family day care is not only a cheap alternative to a child-care centre but also second best, so I was very pleased to note in the audit book a few pages on planning for children's development. That advises care providers that training sessions are available in programming/planning in FDC, social skills, multicultural care environments, child development, and the importance of play. It notes, 'Please tell your field worker or Palmer Place training unit if you are interested in attending.' It also contains a little dictum, which reads:

> When the following sum happens—your knowledge of children and their interests, plus appropriate resources, plus positive interactions, plus planned routines and experiences, and lots and lots of play—the result is that best use is made of the opportunities in the home and children experience good learning and care.

Carers must have a current certificate or approved training in first aid and resuscitation, which is better than most of us have. The document also points out the need to have fences that are of a reasonable height and secure latches on gates, and the need for a telephone. I have been reassured that, once someone is approved as a provider, annual checks are carried out by the department and, if there is concern about the care that is being given, spot checks can be undertaken. Starting from a base of concern about this legislation, I place on the record that, having been given all this information, I am greatly reassured by it. The Democrats support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 323.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill, which seeks to clarify certain anomalies that have arisen within the police superannuation scheme. This Bill applies only to those members of the scheme which existed before 1994, when changes were made to all State superannuation schemes.

Two main issues are addressed by the amendment Bill, and I will briefly refer to those. The first issue concerns police officers who are employed on contract. In 1996 this Parliament passed amendments to the Police Act which created a system whereby senior commissioned officers were

employed under contract, and that included the Police Commissioner himself.

Currently officers employed on a contract basis may be disadvantaged because their status is not recognised under the Police Superannuation Act. One amendment in relation to this issue that we have in the Bill before us seeks to insert the definition of 'permanent position in the Police Force' to include contract positions. Another amendment enables commissioned officers employed under contract to make contributions and receive benefits based on the highest salary received by virtue of that position. In other words, this first issue addressed by the Bill simply addresses the problems caused by the creation of a contract system for senior police officers and treats them in a way that obviously is fair.

The second issue addresses police officers seconded to positions in another Police Force. South Australian police officers may be seconded to other Police Forces in Australia or overseas—I am sure that members would be aware of the National Crime Authority and the National Crime Bureau—and in the past they have even been sent overseas on various peacekeeping exercises within the Commonwealth. There are a number of situations where police officers do work in other Police Forces or on police work here and overseas, and this work brings credit upon this State.

Often, though, secondments will involve a higher salary being paid to that officer. Currently the law does not recognise that higher salary for the purposes of contributions to and benefits under the police superannuation scheme. The amendment that is before us proposes that where an officer is seconded to another Police Force for a period of at least five years or for a period aggregating five years the contributions payable by the officer during the period of secondment will be based on the actual salary received and that the officer's final salary for the determination of benefits will be adjusted to reflect any higher salary paid during that period of secondment. Again, the Opposition regards that measure as eminently sensible. We understand that the Police Association, the Police Commissioner and other affected officers support the changes that are being made.

The other parts of the Bill include some anomalies within the Act which have been addressed in other areas of the Public Service under previous amendments to the Superannuation Act and which would affect teachers, nurses and other members of the Public Service.

This is important legislation which takes into account the modern conditions of employment and the high responsibilities often faced by our police officers, and it should provide them with proper recompense within their superannuation scheme. It is worth remembering that police officers perform a vital duty to our community, and the Opposition is happy to support the Bill in order to ensure that they are adequately protected.

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

STATUTES AMENDMENT (ADJUSTMENT OF SUPERANNUATION PENSIONS) BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 324.)

The Hon. P. HOLLOWAY: The Opposition supports the thrust of this Bill, although during the Committee stage we will move an amendment to one aspect of it. This Bill, which amends the Judges' Pensions Act, the Parliamentary Superannuation Act, the Police Superannuation Act and the Superannuation Act 1998, which covers most other public servants, will address the problem that has arisen because of the negative CPI index in this State during the previous 12 month period.

This Bill affects some 13 300 pensioners, 12 000 future pensioners under the State superannuation scheme, 1 200 former police officers under their scheme, as well as former judges and politicians. The Bill has arisen because during 1996-97 we had a negative CPI index of 0.08 per cent. The Government has suggested that this Bill will bring South Australia into line with other States in relation to the impact of the negative CPI on the pensions. However, I suggest that it goes further than the other States' legislation, and I will have more to say about that later.

There are two pertinent provisions in this Bill: pensions cannot be reduced after a 12 month period of negative CPI; and when the next 12 month period of positive CPI occurs the increase in pensions shall be reduced by taking into account the benefit pensioners received by not receiving decreased pensions during the negative CPI period. In other words—it gets rather complicated talking about some of these superannuation measures, but I will try to put it more simply—after there is a fall in the CPI indexation increase, in the following year when there is a positive CPI there will be an increase—that is, the positive CPI figure less the negative CPI figure of the year before. However, there would be no cut during the year in which there was a negative CPI.

The provisions to which I have referred bring the State into line with what the Commonwealth and other States have already legislated to achieve. This amendment gives the Treasurer the power in a 12 month period of negative CPI to avoid a reduction in pensions; that is, the Treasurer may direct that pensions be maintained at their current level. As I say, this amendment is in reaction to the negative CPI for the 12 month period ended 30 June 1997 where the CPI fell by 0.08 per cent.

Currently, pensions are being maintained at their former level by means of an *ex gratia* payment. The Opposition is concerned, however, at the other amendment that is included in the Bill whereby the Government will have the power to recover the cost of maintaining the pensions at the higher level during the period of negative CPI, which seems to be commonly referred to as the claw-back provision.

The Government sees this as an extra benefit for pensioners. However, other States and the Commonwealth have not taken up this proposal and have decided simply to absorb the maintenance of payments during the negative CPI period. In this case it appears that the Government is acting rather meanly in claiming the perceived benefit. As I said, the Act is fairly complicated. Perhaps the best way that I can explain the effect of this clawback position is by way of an example, and I have tried to check these figures out with the relevant people concerned. Under the State Superannuation Scheme the median level of a pension paid is about $22 000 a year. If the current Act was applied it would have meant for the year 1997-98, following the negative CPI figure of .08 per cent, that those pensions would have fallen from $22 000 to $21 982.40. That is a fall of $17.60 per year. If, for example, we had a 1 per cent rise in the CPI in the current year, then pensions would increase under the current scheme by 1 per cent to $22 202.20 in 1998-99. Under the system that applies in every other State and is proposed by the first of the amendments put by the Government, the pension would not

be cut. In other words, instead of going down by the $17.60, the median pension under the superannuation scheme would remain at $22 000. However, in the following year, if we had a 1 per cent rise in CPI, to take the example, the increase would be .92 per cent. In other words, it would be the 1 per cent positive CPI figure, if we assume that is what it will be this year, less the .08 per cent fall of the previous year. Therefore, after one year we would even out the negative CPI figure. Other States have decided that that should be a sufficient allowance to deal with this problem.

However, under the clawback provisions of the Government what would happen is that the $17.60 received by the person on the median superannuation pension would have to be covered back in 1998-99. What that would mean is that instead of the person receiving .92 per cent increase as in the example I gave, they would receive an increase of only .84 per cent for that year.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I was going to come to that point later—

The Hon. L.H. Davis: Good, I will remain silent.

The Hon. P. HOLLOWAY: —but the Hon. Legh Davis has said, 'What happens if the figure—'

The ACTING PRESIDENT (Hon. T. Crothers): Order! Not a bad idea, Mr Davis.

The Hon. P. HOLLOWAY: The Hon. Legh Davis is asking, 'What if the figure should be somewhat larger than the rather small amount that I gave?' In that case the Treasurer has the prerogative under the existing Act—if the Hon. Legh Davis reads the provision of the Act—not to pass it on. It is a discretionary provision for the Treasurer regarding whether or not the negative increase is passed on. In cases where there was a serious deflation—and let us hope that this country never faces that position—then, obviously, the Treasurer would have to make his judgment at the time. Certainly in the current situation we believe that it is simply mean spirited to try to put in this clawback provision. As I say, neither the Commonwealth nor any other State has seen fit to apply such a provision. We certainly will be opposing that provision when it comes to the relevant part of this Bill.

I know that some in the community believe that no consideration should be given to the negative CPI at all; in other words, that we should not adjust our CPI rate in a year when it is positive to deduct the negative rate. However, in this matter the Opposition believes that we should be guided by what the Commonwealth and other States do. Nevertheless, the point should be made that one of the reasons why we currently have a negative CPI index in this State is because of falling interest rates. Yet the Commonwealth Government has recently seen fit to remove interest rates from the CPI index. In the past we have had what could well be described as an artificial reduction in the CPI index because of the falling interest rates. Interest rates will inevitably rise, and anyone who has looked at interest rates down the years will see that they follow a cyclical pattern; that is, they go down, then they go up again. That has been the pattern for as long as—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The Hon. Mr Davis says, 'Well, that is pretty profound.' Of course, it is obvious. It is very obvious to everyone but the Government. The Federal Government has deliberately chosen the very point when interest rates are at the bottom of their current cycle to remove them from the CPI index. What will happen is that the superannuants who are now receiving the pension will face a negative CPI because of falling interest rates, not because of falling costs that they face as consumers. They are facing a negative CPI because of the effect of interest rates. However, when interest rates do go up—and I am glad the Hon. Legh Davis assumes that that is very obvious—the superannuants will not get the benefit of any CPI increase. They will be taken out of the CPI index and therefore superannuants will not get the benefit of interest rates when they inevitably rise. That is a point that needs to be taken into consideration.

Indeed, I know a lot of work has been done on what would be an appropriate index by which pensions could be increased. Most people who look at this would agree that the CPI is not necessarily the best index. Certainly, as far as pensioners are concerned, they face a different cost from perhaps the community at large, given their particular age group. For example, the health area could be one example of where pensioners spend a higher proportion of their income than the average taxpayer. It is important that we should consider the price index faced by retirees. Generally speaking, the retiree price index—and it has been identified by various bodies—has been much greater than the CPI in recent times. The point is that superannuation retirees will not gain any benefit when interest rates start to increase. They have already had a negative impact. Nevertheless in principle—

The Hon. L.H. Davis: Low interest rates are often a problem for retirees, because they supplement their income—

The Hon. P. HOLLOWAY: Hopefully, the Hon. Legh Davis will contribute to this debate later on. I am sure we could spend a lot of time discussing—

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I hope the honourable member will contribute to this debate later on because it is important that we should discuss the costs faced by superannuants and how they differ from other people in the community. Anyway, the position of the Opposition is that we will support the provision that will mean that a negative CPI figure will not be passed on as a reduction of pensions in the year in which it occurs. However, the CPI rate should be adjusted later down the track. We reject the provision of any clawback provisions which would, in a sense, be almost a double cut to superannuation pensioners, particularly when, in the future, those pensioners will not gain from any indexation related to an increase in interest rates. With those qualifications, we support the second reading of the Bill.

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

FINANCIAL INSTITUTIONS DUTY (DUTIABLE RECEIPTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 405.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill, which basically seeks to close off the potential loophole in the financial institutions duty legislation. The Opposition is always keen to see that any tax avoidance schemes are closed down as quickly as possible, and it has always supported the Government in its attempts to do that—after all, our State taxation base is narrow enough now without any further erosion. The loophole that can arise under the financial institutions duty is as a result of technological change within the banking industry. If this loophole were not

closed a lower rate of FID could be paid on short-term deposits because of those electronic banking developments.

Generally, when short-term deposits mature and are rolled over the highest rate of FID is not applicable where no accounting entries occur or changes are made. Banks now have the technology to roll over investments without making any accounting entries. This Bill seeks to ensure that the concessional rate of FID is not carried through in this situation and that the proper rate of FID is paid. It changes the definition of 'roll over' to follow those in other States. The Opposition is happy to see this Bill passed and this potential taxation avoidance loophole closed.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

MFP DEVELOPMENT (WINDING-UP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 405.)

The Hon. P. HOLLOWAY: The Opposition supports the winding up of the MFP and the passage of this Bill. The multifunction polis was originally established by the Bannon Government, despite significant competition at the time from other States. While the ultimate result of this venture is its winding up, it is fair to say that, at the time, it was seen as a positive and popular concept. It was rather unfortunate that, during its course, the MFP was subject to political controversy and that the economic environment changed dramatically. The MFP was, perhaps, never given a chance to live up to the ideal.

I well remember being a member of the Economic and Finance Committee of the House of Assembly at the time of the first report into the MFP, and it was not a pretty sight, if I can describe it in that way. I must admit that, with all the information that was provided about the MFP, I had a great deal of trouble, as I am sure did other members, in understanding what it was all about. Ultimately, my best description of the multifunction polis was a fairly elaborate land development scheme. Basically, it intended to turn the degraded land of Gillman into a housing development. I suppose it has achieved some land development, although not on that particular site.

There is no doubt that, during the course of its operation, the MFP became very badly derailed. There were a number of instances when the senior executives in charge of the MFP kept promising great things. They kept travelling the world at great expense and receiving great remuneration but, unfortunately, very little came of it in the end. Indeed, before the last election, the Opposition had already decided that it could no longer support the MFP because it had lost its focus and it went to the election promising to wind it up. That is why the Opposition will certainly welcome this particular measure.

It is a great pity, as I say, that what began as a bright, innovative concept which had the potential to draw strong investment to this State became, in the end, an organisation that was without direction and focus. I think that some lessons can be learnt from the MFP by all Governments and all Parties. Certainly, as far as the Opposition is concerned, we have learnt our lessons from the MFP exercise and, likewise, we hope that the Government learns some lessons. The Opposition supports the Bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

The Hon. R.I. LUCAS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 325.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. This is a fairly straightforward amending Bill, which enables South Australian courts and interstate courts to take evidence and submissions by audio visual or audio link. Like so many other pieces of legislation this one results from a national policy decision of a Standing Committee of Attorneys-General. I support this legislation in its attempt to introduce convenience and user-friendliness into the courts system. This is an important practical move which assists ordinary people. It also sends a positive message to the community, and I welcome it.

I understand that the intention of the proposed Bill is to apply only in States or Territories with reciprocal legislation. Could the Attorney indicate whether all other States and Territories have adopted similar legislation and, if not, which States or Territories have not introduced such legislation, and what are the reasons for that? It would seem to me that this legislation could be translated into something that we could use locally. I am aware of many situations where, for health and mobility reasons, it is highly inconvenient for members of the public to be physically present in court. I understand that, in certain circumstances, Queensland has legislation in place which allows courts to take evidence by audio visual means. It may well be that they already do this at the present time, and perhaps the Attorney could discuss that with me. I note that an important safeguard is proposed where a court must not make a direction if a party believes they will be disadvantaged by the court taking evidence by audio link or audio visual means. I support the second reading.

The Hon. IAN GILFILLAN: The Democrats support the Bill. In the years that I served on a select committee that looked at prison systems throughout Australia, this technology was very attractive in terms of how it was being used in Victoria in those days for a variety of cost saving and more efficient methods of operating. I am glad to see that we are introducing this technology in this legislation.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. The Hon. Carolyn Pickles raised a question about the use of video link to allow a person who might be disabled or otherwise unable to attend court to give evidence by video link. I understand that that was in relation to intrastate matters and not interstate matters. As far as I am aware there is no impediment to that occurring, but I do not believe it has happened on many, if any, occasions. I will obtain some further information on that and, during the Committee consideration of this Bill, which will not be today, I will endeavour to provide a more detailed response for the honourable member.

Of course, we do have video link between the Remand Centre and the Magistrates Court, but there is not an exten-

sive network of video links with the courts that would facilitate the course of action that the Leader of the Opposition has raised. There are some difficulties in making it widely available. One is to ensure that adequate authority is exercised by the court over the facility in which the witness may be sitting to give the video evidence. Of course, that was one issue that had to be addressed with the Remand Centre video link to the Magistrates Court. There had to be an assurance that the prisoner was, in effect, sitting in an area that was under the authority of the court, to ensure that there was no undue influence upon the prisoner and also to ensure that the prisoner was then formally within the jurisdiction of the court. So, some issues do have to be addressed if the facility is to be available on an intrastate basis. It may be that that will come in time, but there are some difficult questions about evidence and authority of the court that must be addressed before that occurs.

Of course, there are video links on a pilot basis between Victor Harbor and the Christies Beach court, whereby a person can go into the council at Victor Harbor, press a button and have direct access to a court officer at the Christies Beach courthouse. That is not a formal court hearing: that is merely for matters of inquiry and not for matters dealing with formal hearings. As I said, I will try to get some more information for the honourable member and bring back a reply during the Committee consideration of the Bill, in the hope that we are able to answer fully the honourable member's question.

The Hon. Carolyn Pickles: Have all other States and Territories adopted this legislation?

The Hon. K.T. GRIFFIN: I must confess that I am not aware of that but, again, I will make some inquiries and provide an answer in due course.

Bill read a second time.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 354.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition opposes the second reading. I note that in his second reading explanation the Attorney referred to the first time this legislation was placed before the Council in 1995. It failed then for very good reasons, and the Opposition will do its utmost to ensure three years later that it has the same fate. I will very briefly return to the 1995 debate when this proposal was first considered. As I stated then, the Opposition will not support the notion of prosecution appeals against the acquittal of defendants. The Opposition certainly believes in enforcing law and order and in inflicting punishment upon those proven to have committed serious crimes. There are established processes to enable this to occur. However, the Government's attempt to subject an acquitted person to the possibility of a further conviction is offensive and challenges basic principles of common law.

For the record I will remind the Council of the Opposition's objections in 1995. It is a tradition of the law that an accused cannot undergo double jeopardy, that is, be tried twice for the same offence. The English jurist Blackstone mentioned the universal maxim of the common law of England that no man is to be brought into jeopardy of his life more than once for the same offence. An American formulation is as follows:

> The underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offence, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity as well as enhancing the possibility that even though innocent he may be found guilty. (*Green v. The United States* 355 US (1957) 184 at 187).

The Government's proposed Bill is tantamount to a 'fix'. The Attorney is obviously unhappy with the numbers of acquittals by judges sitting alone, so he is going to change the system so that he gets the right numbers. Obviously, the Attorney does not have much faith in our legal system. Unless the Attorney is able to alert me to circumstances that have changed between 1995 and 1998, the Opposition sees no reason to change its policy. The only change of which I am aware is the Government's significantly reduced majority. We oppose the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

RURAL ROAD SAFETY STRATEGY

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Environment, Resources and Development committee be required to investigate and report on the draft South Australian Rural Road Safety Strategy prepared by the South Australian Road Safety Consultative Council.

(Continued from 25 February. Page 440.)

The Hon. M.J. ELLIOTT: I rise to support the motion and note that I am a member of the committee to which this reference is going to be referred. I would have to say that as a member of that committee I accept the reference with a degree of reluctance, insofar as I personally see the issue as not being relevant to the core of the activities of a committee which focus on environment, resources and development. Here we are talking about behaviour and about safety, which I do not think anyone would say really fit under environment, resources and development. It is worth noting that when one looks at the terms of reference more generally in the Act it refers to transport, but I must say that my understanding at the time when that was included was to talk about the implications in terms of planning of transport infrastructure, the implications on resources and, of course, environmental impact, and transport was included with that intent and not with the intent of getting into what I would argue is largely a social issue and one which would have been handled more properly, I would argue, by the Social Development Committee. Road safety fits more closely into the sorts of issues that that committee covers.

I note that on a previous occasion the committee looked at vehicle inspections, which were largely from a safety perspective. So it is not the first time, but I am increasingly concerned that, with the precedent having been set, we are straying a little further again, and I am worried about how much more broadly it might go. It is not that the committee members are not capable of doing it; I would argue that the committee members of any committee are capable of handling any references given to them. However, it is a matter of more properly concentrating on issues which I think are within the consistency of the themes that are covered. I do think that over a period of time committees, by working continuously on issues which overlap, build up some level of expertise and understanding, and I would dearly have loved the Minister to have given us references in terms of transport

infrastructure and those sorts of things, as having a higher priority than this.

The Hon. T.G. Roberts: The Hindmarsh Island Bridge.

The Hon. M.J. ELLIOTT: We have already done the Hindmarsh Island Bridge and, in fact, as I recall there was all-Party agreeance as to what should happen there, and it is a pity it was ignored. I also note that on a previous occasion when the committee was asked to look at issues relating to vehicle inspections we came out with very clear findings in relation to that and I note that somehow or other that issue has come up again, but I am glad it has not been given to us this time; it appears to be going somewhere else. I suppose the committee, having rejected—

The Hon. Diana Laidlaw: We were waiting for the New South Wales report and they have not proceeded with that report.

The Hon. M.J. ELLIOTT: Well, it was a bit more than that.

The Hon. Diana Laidlaw: I accept that there was more.

The Hon. M.J. ELLIOTT: There was a lot more than that. We found no evidence to support any change, and I think we said, 'Well, we will wait to see what New South Wales has got.' However, the committee found that there was no other evidence that would support vehicle inspections as being a significant contributor, even a slightly significant contributor, to road safety. The committee was very clear in that. We sought extensive evidence, and only one set of witnesses tried to argue that, and that was the motor vehicle dealers. Nobody else brought forward any evidence whatsoever to suggest that compulsory vehicle inspections were going to be of any value in relation to road safety. But that is a slight digression. So, I indicate that the members of the committee as whole have indicated a willingness to take it on. I personally express some concern not about the issue itself but that the issue should be going to this particular committee, and, when the next road safety issue comes up, I would ask that some further thought go into where it might go. But I am glad to say that at this stage the list of issues confronting us is, for us, unusually short, so I imagine that we can probably tackle this issue and handle it in fairly quick time.

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

ABORIGINAL LANDS TRUST (NATIVE TITLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 463.)

The Hon. T.G. ROBERTS: I rise to indicate to the Government that the Opposition will be supporting this Bill. In the time that I have had in the shadow Aboriginal affairs portfolio I have travelled around the State and have tried to meet as many groups and individuals as possible, making up the body of those who represent the interests of Aboriginal people, people of Aboriginal descent, and those other people in the industry, with Anglo-Saxon background mainly, who also represent their interests. I have tried to talk to as many Aboriginal people in the field, and I have attended a number of meetings with groupings within the southern Flinders Ranges, in and around the Port Augusta region.

I had some involvement with Aboriginal groupings in the lead up to my accepting the portfolio of Aboriginal affairs. In my introductory and maiden speech I indicated that Aboriginal affairs is one of my interests. It still remains more than an interest; it is now becoming a bit of an obsession, in that there are many, many problems that face Aboriginal people in dealing with the day-to-day problems in which they find themselves, whether they be urban, whether they be regional or whether they be placed in isolation in outlying areas of the State. Many of their problems have a similar theme, but many of their problems are unique to Aboriginal people and to their environments. It is important for us to take into account the delicate nature of many of the problems that we have inherited from past generations and it is our responsibility as legislators and as individuals within society to deal with these problems in a sensitive way without any highlighting of race and any of the differences that may occur within society.

The other thing that I think State legislators have to take into account when moving legislation or changing legislation is the interaction with the State legislative processes and the Commonwealth intentions or the Commonwealth Acts. Historically, there has been a bipartisan move towards the advancement of Aboriginal people in all States and at a Commonwealth level and, where there are ways of progressing the interests of Aboriginal people in a defined way, then both major Parties, and I would hope the Independents and Democrats, would try to move the interests of Aboriginal people forward in a unified way without the spectre of Party differences getting in the way of logical declarations of expression.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: The Hon. Mr Gilfillan asks whether that ever happens. Up until now, over the last decade or so I think there has been at a Commonwealth and State level, in South Australia and federally, a unified approach and I think a bipartisan approach to the whole of the process, but there are other vested interests which tend to try to separate the legislative processes away towards their own interests, and sometimes Aboriginal people are used as, I guess, footballs in that process. However, to be fair to all parties involved, I think in this State everyone has tried to, in a unified way, move forward the interests of Aboriginal people without resorting to the worst aspects of division.

I believe that this Bill, although it is short, is a Bill of process which enables the vesting of land and land dealings by the Aboriginal Lands Trust not to impact on native title in the land that integrates back into Commonwealth legislation, and that it is a sound one. I believe there are other interests that make it very difficult for legislators to come away with that consensus of which I was speaking earlier.

There is also a tendency for those people who operate at a Commonwealth level to be a little distant from those who operate at State level in their understanding of exactly what Aboriginal people, particularly those in isolated areas, require to advance their interests. There is a lot of paternalism which I believe mitigates against sound and reasonable settlements for and on behalf of Aboriginal people, particularly in isolated areas, and that paternalism is practised not just by white members of our society. So, it is a delicate balance to operate democratically across the board through legislation, through peak body representatives and through legal and law firms which act on behalf of Aboriginal interests.

When in some cases those interests clash, negotiations tend not to be the first port of call for discussion for settlement. Sometimes I believe that the legislative processes are relied on too heavily to achieve outcomes that, in many cases,

get not broad acceptance but narrow acceptance. There are some winners and there are some losers.

I believe that this Bill tries, in a way, to pave the way for an elimination of that process, where winners and losers tend not to be the intention of the outcome of the Act, and the negotiation process includes all Aboriginal groups, with the outcome that the Aboriginal Lands Trust, in conjunction with the groups that are to be affected, will be contacted and, through negotiations with their elders, their negotiating bodies and their legal representatives, those outcomes can be more broadly accepted and understood on the ground than they would be if the amendment to this Bill was not made.

If I were to make some criticisms of where we are historically at this point in time, I would say that we have bureaucratised a lot of Aboriginal people's representatives to a point where their personal expressions and views perhaps are not those of the people whose interests they represent. I have a lot of sympathy for their negotiating representatives, including those people who act on behalf of them in legal firms. The difficulty of expression and inclusion makes it more difficult to report back and to keep Aboriginal people on the ground informed as to the implications associated with particular legislation and what the interpretations of various court decisions mean in relation to their rights and responsibilities. That is a very difficult job and I am not sure whether we, as legislators, in many cases understand those particular difficulties and indeed the difficulties that the bureaucratised representatives have in explaining to traditional elders and their representative bodies exactly the implications—or the intentions, in some cases—of that legislation.

So, I believe that the Aboriginal Lands Trust in this case, without defining the actual circumstance by which the legislation was drawn, has certainly tried to pull together various groups within the northern regions of this State, particularly the Aboriginal people who have been involved in negotiations. This Bill will make it a little easier for those who are trying to negotiate a package of arrangements and, hopefully, all interests can come away a little happier than they were before the Bill was introduced.

So, the Opposition supports the Bill and supports a bipartisan approach continuing in relation to Aboriginal advancement, whether it involves Aboriginal people in isolated or regional areas, and we will certainly work with the Government and the Democrats to bring about an outcome for and on behalf of Aboriginal people of which all South Australians can be proud and to ensure that we keep an eye on the Commonwealth legislation and the intentions of the Commonwealth when legislation is passed so that, when the High Court makes its decision in relation to applications before it, we are able to explain to Aboriginal people in this State the implications of those decisions.

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

STATUTES AMENDMENT (NATIVE TITLE) BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 480.)

The Hon. T.G. ROBERTS: The Opposition supports the Bill, although we have some questions to which we would like answers. The Bill establishes a right to negotiate with respect to mining activities on native title land, and includes a part 9B which will expire two years after its date of commencement in recognition of the likelihood of amendments to the Commonwealth Native Title Act 1993. This was intended to avoid the possibility of South Australia's being left with a more onerous regime than that contained in the amended Commonwealth Act. That is what I was referring to during my speech on the previous Bill: in this State we need to be aware of the decisions that are made by the High Court and the implications for legislation at a Commonwealth level. We then need to be conscious of the requirements in South Australia in order to ensure that the legislation that we pass fits in with those Acts and to ensure that there is an intention that is consistent through High Court decisions, Commonwealth legislation and State legislation.

The Government is trying to do that with the lands trust legislation in an attempt to overcome some of the difficulties negotiating native title or land ownership tenure. The issue in relation to mining is slightly more complicated, but we have a responsibility to ensure that we come away with a model of legislation that mirrors the intention of the Commonwealth. We can have better legislation, but we do not want to operate under harsher provisions than those of the Commonwealth, and the Attorney-General has made moves to ensure that does not happen.

The groups with which I met had some concerns, which are shared by the Opposition, about protecting native title rights in this State without disadvantaging mining interests and trying to advance the interests of mining companies that will be what I regard as good citizens, that is, those companies that negotiate with all stakeholders, whether they be pastoral interests, Aboriginal interests or those with other applications. Given the number of native title applications at the moment, Governments have to deal with complicated circumstances, but in this State everyone seems to be working towards negotiated settlements without disadvantaging the interests of stakeholders.

There are ways in which those interests can be advanced and there are ways in which those negotiations can be conducted and, in the short time that I have had Aboriginal affairs as my shadow portfolio, I have found that there are various levels of intention and, in some cases, understanding in relation to what negotiations actually mean. It is very easy for a mining company or a pastoral interest to advance their case through the negotiating process because, in most cases, they have sophisticated negotiating bodies, they have best legal advice and they have access to transport, communications, and all the modern-day additions that make life easy for negotiations, particularly in isolated areas, as I mentioned when debating the previous Bill.

A lot of sophisticated negotiating aids are available to mining companies, pastoral interests and Governments, but they should take into account the difficulties that Aboriginal interests have in maintaining the flow of information in the process. The reporting-back process for Aboriginal groups is very difficult because of the resource deficiencies that these groups, organisations and individuals have. The process which Aboriginal people have to go through to report back to interested groups and individuals is very complicated. That cannot be written into legislation very easily, but I place on record my concern that, when negotiations commence on complicated issues, those matters should be taken into account.

We are not talking about an equal weighting of power in relation to such negotiations, so special consideration must be given to the Aboriginal groups that take up negotiations. Sometimes local interests are associated with traditional

owners. In other cases there are representatives of the traditional owners. On yet other occasions there is a mixture of peak bodies or individuals from law firms representing their interests. It is not easy, but a lot of patience and extra consideration must be shown because of the disparity between the power ratios of the groupings involved.

I should also like to place on record some of the other comments made by Aboriginal groups. They do not like to be placed in adversarial roles when dealing with mining companies or pastoralists. They prefer a setting with non-adversarial positions and they would like that respected so that they are able to negotiate in a friendly and courteous manner. In a lot of cases that climate has been set by the choice of negotiating representatives who may not be the choice of the traditional owners or, as I said, it may involve the peak bodies or the legal representatives negotiating in isolation. The impact of a negotiating outcome may be felt 1 000 or 1 500 kilometres away from Adelaide, so the communication structures and the true representative bodies must be recognised in the first instance by the negotiating bodies that have been set up.

The question that was put by representatives of the traditional owners concerns clause 9, which gives the Minister discretion to remove by regulation the two-month waiting period. This is not the same as the Commonwealth legislation. In Committee, the Attorney-General may be able to explain why the State Act will be different from the Commonwealth Act. The criticism is that it is a non-specific rather than a specific recommendation for a time frame. It may be that the non-specific recommendation will be an advantage in negotiations in that sort of climate, and I am sure that the Attorney-General can answer that question in Committee. The Opposition supports the Bill.

The Hon. A.J. REDFORD secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 506.)

The Hon. A.J. REDFORD: In rising to speak to this Bill I am mindful of the comments made by the Attorney-General, the Opposition, the Australian Democrats and me in 1995 on a Bill, which sought to deal with appeals from judge only trials and some other issues, that was ultimately passed. The clauses which related to allowing appeals from judge only trials in relation to acquittals were lost.

At the time we discussed this issue in September 1995 I devoted some three pages to the topic of appeals against acquittals in judge only criminal trials. Indeed, on that occasion I supported the legislation. My support and my reasoning for that support at the time was criticised in another place and I propose to make some comments about that in my contribution. It is important that I repeat for the record my view about the role of juries and their importance in the criminal justice system today. On 24 October 1995, I said:

> . . . my experience in talking to jurors always after the case has been decided is that they have found that a positive and rewarding experience. In that context, it is my view that it is wrong or misleading to say that the jury's role is to protect the rights of the accused. More correctly, it should be said that it is the role of the jury to represent the community in or within the criminal justice system. My view has received some support from an English historian, Mr E.P. Thompson, who is quoted in the *Australian and New Zealand Journal of Criminology*, published in September 1985, at page 130 as stating:
>
> > When the jurors enter the box, they also enter upon a role which has certain inherited expectations; and these expectations are inherited as much from our culture and our history as from the books of law. . . The English common law rests upon a bargain between the law and the people.
>
> What follows is the important part:
>
> > The jury box is where the people come into the court: the judge watches them and the jury watches back. A jury is the place where the bargain is struck. The jury attends in judgment, not only upon the accused, but also upon the justice and humanity of the law. . . Justice is not a set of rules to be 'administered' to a people. Verdicts are not 'administered': they are found. And the findings in matters of 'public importance' cannot yet be done by microchip. Men and women must consult their reason and their consciences, their precedents and their sense of who we are and who we have been.
>
> I am not alone in thinking that the right to a jury trial is not that of the accused but that of the community. That is why I am openly critical of the decision of the previous Government—I am not sure whether it had the support of the then Opposition—and the previous Attorney-General for allowing the concept of trial by judge alone to take place.

I am still very strongly of the view that there should be no place in our criminal justice system for judge only trials in serious criminal matters. I have every confidence that there are no cases of any type in which a jury is incapable of deciding. It is the role of judges, prosecutors and defence counsel to digest the material, even in complex cases, and reduce it to a position where any juror from any walk of life can understand the issues, apply their minds and determine from their experience and from the evidence the guilt or innocence of an accused person.

In relation to this legislation it is likely, from what I understand, not to be supported by the Opposition on the basis that a verdict of acquittal by a jury or a verdict of acquittal by a judge only should not be undermined.

The Hon. K.T. Griffin: And a magistrate.

The Hon. A.J. REDFORD: As a matter of principle I agree with that, and I will come to magistrates in a minute. However, I will support this legislation, as I did on the previous occasion, because it is my view that in practical terms if successful this legislation will remove judge only trials because it will only be, with all due respect, incompetent lawyers who would manage to talk their clients into having judge only trials. It is my view that this achieves, albeit in a most indirect way, what my position is on this issue, and that is the abolition of judge only trials. That is the basis upon which I support this legislation.

On the previous occasion that this matter came before the Parliament I was criticised by the former member for Florey, Sam Bass, and some members of the Opposition in another place for not opposing the Bill. I have seriously considered their position and I believe that if I can achieve a practical result which most enhances my position as I see the law, then I should support that issue.

The Attorney interjected about appeals from magistrates. That again is troubling. As a politician I know that the community places limits upon the resources that it is prepared to make available to our criminal justice system by way of either investigating crime or dealing with the charges against people in the criminal justice system. I know that both resources and people's availability and time to serve on juries are limited, and it is my view that the Government inevitably has to adopt a pragmatic approach having regard to the resources available.

However, I did say on that previous occasion—and I stand by what I said—that I am concerned that there has been an

undermining of the jury system in this State not by this Government but by a previous Government in relation to the reclassification of offences from being indictable offences to summary offences. What historically for many hundreds of years have been charges which have been the subject of jury decisions are now the subject of Magistrates Court decisions. That argument occurred in a previous Parliament following legislation introduced by the former Attorney-General, Mr Sumner. I was not happy with those changes of making offences such as larceny and assault summary offences and thereby excluding the community's involvement in the criminal justice process by the exclusion of jury trials.

However, I am also mindful that, in some cases, we have to be pragmatic because of resources and lack of funds and the fact that people do not want to spend half their life sitting on juries and that there may well have been an important imperative to transfer or reclassify offences from being indictable to summary. I would have to say that I am sure that the former Attorney-General may well have had similar concerns (if I know him), but he had a budget to run and he had to adopt a pragmatic approach in this reclassification from indictable to summary offences. That is similar to the approach that I am taking in this matter; that is, if this is successful, in practical terms, it will get rid of judge only trials and that is consistent with what I believe should be the position in so far as the criminal law is today.

Ideally, I would like to see the abolition of judge only trials. As I understand it, that would not have the support of either my colleagues on the Government benches or the Opposition. In that respect I am happy to achieve that result by this circuitous route by supporting the Government's decision to abolish appeals from judge only trials. The net effect will be that there will be no more judge only trials and that is in accord with my views about how the criminal law ought to operate in South Australia. It is for that reason that I support the legislation.

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

PETROLEUM PRODUCTS REGULATION (LICENCE FEES AND SUBSIDIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 485.)

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the Bill be discharged.

This is a necessary procedure due to a money clause constituting a substantial part of the Bill. Therefore, the Bill will be introduced, if it has not already been introduced, in the House of Assembly.

Motion carried.

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

That the Bill be withdrawn.

Motion carried.

ADJOURNMENT

At 5.15 p.m. the Council adjourned until Wednesday 18 March at 2.15 p.m.