LEGISLATIVE COUNCIL

Tuesday 21 July 1998

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 127, 131, 137, 138, 145, 157, 165, 166, 170, 171, 175, 181, 186, 187 and 202-204.

SPEED DETECTION

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

1. Have any public opinion surveys been undertaken by the Government into the public perception of the use of speed cameras or laser guns?

2. If so, what were the results of any such survey(s)?

3. How much did each of the surveys cost?

4. Will the Government release the surveys?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that no surveys have been commissioned by SAPOL regarding the public perceptions of the use of speed cameras or laser guns.

Inquiries have been made with the Australian Bureau of Statistics who also advise that no such surveys have been conducted by them.

GREEN CORPS

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

1. Will the Government consider changes to the State Workers Rehabilitation and Compensation Act to ensure Green Corps participants are covered by WorkCover insurance?

2. If not, why not?

3. How many South Australian volunteers have been injured as a result of their participation in the Green Corps?

4. Considering volunteers do not have a contract of service with Green Corps and are not regarded as employees, will the Government clearly warn volunteers of the consequences of their participation if they are injured while working?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that:

1. WorkCover Corporation has made a decision, based on legal advice, that Green Corp participants are not covered by the current workers compensation legislation in this State. The Government has considered the issue and does not intend to amend the legislation to extend cover in these circumstances. Recent press coverage of this issue indicates that the Commonwealth is now providing insurance cover for Green Corp participants equivalent to that provided to cover participants in the Commonwealth 'Work for the Dole' scheme.

2. The contractual arrangements put in place by the Commonwealth make it clear that there is no intention to create an employment relationship between the participant and the host organisation (the Australian Trust for Conservation Volunteers, ATCV). Furthermore, the agreement between the Commonwealth Department and the host organisation specifies the level of insurance to be provided to cover participants. Accordingly, the Government considers that responsibility for ensuring that adequate insurance is provided should remain with the Commonwealth.

3. This information is not held by the Government or the WorkCover Corporation. However, it has been publicly reported in the media that at least two volunteers have suffered an injury whilst engaged in a Green Corps Program in South Australia.

4. The Green Corps Program is a voluntary training program established by the Commonwealth through the Department of Employment, Education, Training and Youth Affairs which in turn has contracted for the provision of services by the Australian Trust for Conservation Volunteers (ATCV). The WorkCover Corporation, advised ATCV in December 1996 and January 1997 of its decision regarding coverage of participants. This position has been re-stated in recent communications. Under the agreement with the Commonwealth, there is an obligation on the ATCV to provide insurance to cover the trainees.

The Government has maintained communication with the Commonwealth, as has WorkCover Corporation with ATCV as to its position. Should a Green Corps participant seek information from WorkCover Corporation on coverage under the WorkCover legislation, information will be provided as and when the need arises.

STATE ECONOMY

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

1. What is the Government's prediction for the level of unemployment for South Australian businesses for the 1998-99 financial year as a result of the Asian financial crisis?

2. What steps are the Government taking to protect the South Australian economy from the Asian financial crisis?

The Hon. R.I. LUCAS:

1. In the Budget brought down a few weeks ago, Treasury forecast 1 per cent employment growth for South Australia for 1998-99. This is consistent with Commonwealth Treasury's 1¾ per cent Budget-time forecast nationally. South Australia tends to have slower employment growth than the national average, predominantly the result of slower population growth. These forecasts are predicated on some adverse effect on domestic employment growth of the economic difficulties in the Asian region. The forecasts also take into account the Government's Employment Package released at Budget-time.

State Treasury does not forecast the unemployment rate in the Budget Papers. This is because the unemployment rate outcome is heavily influenced not only by employment growth but also by the labour force participation rate, movements in which are notoriously difficult to predict. Overall, it can be stated with some degree of confidence that the employment projections to 2000-01 (if achieved) are consistent with a reduction in the unemployment rate over the forward estimates period.

2. The Asian economic slowdown will adversely affect overseas exports from South Australia, although this will be somewhat offset by increased competitiveness for exporters to the US and Europe and import competing firms as a result of the recent sharp depreciation of the Australian dollar against these currencies. Two of South Australia's major industries—motor vehicles and wine—are significant exporters to the US and Europe and will benefit from the lower value of the Australian dollar.

South Australia is not as directly exposed as many other States to the Asian export markets, although the indirect effect of the slowdown on the national economy will impact on South Australia through slower demand growth in interstate export markets.

The State Government is very limited in what it can do directly to protect the South Australian economy from the Asian economic turmoil. The State Government has, however, done much to facilitate economic and employment growth. In particular, we have:

- Attracted new and existing industries to locate and relocate in South Australia;
- Supported long overdue infrastructure projects such as the Adelaide Airport runway extension and the Adelaide to Darwin rail link; and
- Made significant inroads into reducing the State debt that we inherited. This has restored the confidence of the business community, and is reflected by business investment growth over the past year of 34 per cent.

SCHOOL ALLOWANCE

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

1. Will the Government consider introducing a 'back to school' allowance to help parents meet the costs of uniforms, shoes, books and other school basics, as is currently operating in New South Wales and which has been an outstanding success?

2. If not, why not?

The Hon. R.I. LUCAS:

1. The 'Back to School' allowance currently operating in New South Wales is given to every student at a kindergarten or school up to year 12. All students are automatically entitled to the benefit, and it is not income tested.

The allowance is paid on an annual basis and is $50 per student. The allowance helps parents meet the costs of uniforms, shoes, books and other school basics.

2. South Australia is not currently operating or proposing to operate a 'Back to School' allowance at the present time. In place of

this allowance, South Australia operates a School Card Scheme. The Scheme provides financial assistance to families on low income and provides a grant of $110 per primary student and $170 per secondary student. The grant assists parents with meeting the costs of school fees and stationery.

DRINK DRIVING

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

1. How many motorists were tested for drink driving for the periods—
   (a) 1996-97; and
   (b) 1 July 1997 to 31 March 1998?
2. How many fines were issued for drink driving offences for the periods—
   (a) 1996-97; and
   (b) 1 July 1997 to 31 March 1998?
3. How much revenue was raised as a result for the periods—
   (a) 1996-97; and
   (b) 1 July 1997 to 31 March 1998?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that statistics are kept for the number of motorists breath tested through RBT, but not for those breath tested following traffic offences or road crashes. RBT testing would, however, certainly dominate the numbers tested.

1. (a) In 1996-97 there were 489 935 driver tested at RBT stations.
   (b) From July 1997 to March 1998 there were 458 683 drivers tested at RBT stations.

Statistics regarding fines imposed on drivers for drink driving offences only relate to those issued a infringement notice. This only occurs when drivers register a Blood Alcohol Content of between 0.05 and 0.08.

2. (a) During the period 1996-1997 2 026 drivers were issued infringement notices relating to drink driving. (1 337 were expiated)
   (b) During the period 1/7/97 to 31/3/98 there were 2 237 drivers issued with infringement notices relating to drink driving offences. (1 440 were expiated)
3. (a) During the period 1996-1997 $158 349 was received through expiated notices for drink driving offences.
   (b) During the period 1/7/97 to 31/3/98 $174 094 was received through expiated notices for drink driving offences.

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

1. How many motorists were tested for drink driving during 1996-97?
2. How many fines were issued for drink driving offences during 1996-97?
3. How much revenue was raised as a result of those fines during 1996-97?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Police that statistics are kept for the number of motorists breath tested through RBT, but not for those breath tested following traffic offences or road crashes. RBT testing would, however, certainly dominate the numbers tested.

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2. During the period 1996-1997 2 026 drivers were issued infringement notices relating to drink driving. (1 337 were expiated)
3. During the period 1996-1997 $158 349.00 was received through expiation notices for drink driving offences.

TRAFFIC OFFENCES

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

1. In 1996-97, how many drivers stopped for speeding by police using laser guns were also charged for driving an unregistered vehicle?
2. In 1996-97, how many drivers stopped for speeding by police using laser guns were also charged for driving without a driver's licence?
3. In 1996-97, how many drivers stopped for speeding by police using laser guns were subsequently issued a defect notice?
4. In 1996-97, how many drivers stopped for speeding by police using laser guns were also breathalysed?
5. In 1996-97, how many drivers stopped for speeding by police using laser guns were also breathalysed and found to be over 0.05?
6. In 1996-97, how many drivers stopped for speeding by police using laser guns were arrested for outstanding warrants?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that statistics maintained by police indicate figures relating to speed camera and non-speed camera incidents only, and do not offer specific figures for laser guns, however, laser guns would dominate the category of non-speed camera incidents.

1. Statistics unavailable.
2. In 1996-1997, 746 drivers detected speeding using non-speed camera techniques were also reported or charged with failing to hold an appropriate drivers licence or learners permit.
3. Statistics unavailable.
4. Statistics unavailable.
5. In 1996-1997, 164 drivers detected speeding using non-speed camera techniques were also reported for having a blood alcohol content between 0.05 and 0.08.
6. Statistics unavailable.

MOTOR VEHICLE ACCIDENTS

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

1. How many motor vehicle accidents involved drivers who were unlicensed for—
   (a) 1994-95;
   (b) 1995-96; and
   (c) 1996-97?
2. How many motor vehicle accidents involved vehicles that were unregistered for—
   (a) 1994-95;
   (b) 1995-96; and
   (c) 1996-97?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that no statistical information is available through SAPOL systems to furnish an answer to his questions.

LOTTERIES COMMISSION

170. **The Hon. NICK XENOPHON:**

1. Will the Minister for Government Enterprises provide details of how much was spent by the Lotteries Commission of South Australia on advertising and promotions for 'Keno':
   (a) in total;
   (b) on radio;
   (c) on television;
   (d) in the printed press;
   (e) on direct mail (letterbox);
   (f) on billboards;
   (g) on point of sale promotion; and
   (h) other;

during the periods—
1 July 1993—30 June 1994;
1 July 1994—30 June 1995;
1 July 1995—30 June 1996;
1 July 1996—30 June 1997;
1 July 1997—31 March 1998?

2. What were the gross profits (total sales less prizes paid) from 'Keno' during these periods?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following response—

1. Keno

	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
(a) Total	285	587	397	204	563
(b) Radio	14	51	3	1	54
(c) Television	228	314	290	109	288
(d) Press	16	108	2	32	70
(e) Direct Mail	-	-	-	-	-
(f) Billboards	-	-	-	-	-
(g) P.O.S.	24	25	96	58	110
(h) Other	3	89	6	4	41

2. Keno.

Keno	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
Gross Profit	13 945	12 817	12 818	13 097	9 800

171. **The Hon. NICK XENOPHON:**

1. Will the Minister for Government Enterprises provide details of how much was spent by the Lotteries Commission of South Australia on advertising and promotions for 'The Pools'—

(a) in total;
(b) on radio;
(c) on television;
(d) in the printed press;
(e) on direct mail (letterbox);
(f) on billboards;
(g) on point of sale promotion; and
(h) other;

during the periods—

1 July 1993—30 June 1994;
1 July 1994—30 June 1995;
1 July 1995—30 June 1996;
1 July 1996—30 June 1997;
1 July 1997—31 March 1998?

2. What were the gross profits (total sales less prizes paid) from 'The Pools' during these periods?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following response.

1. 'The Pools'

	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
(a) Total	246	28	1	1	-
(b) Radio	90	-	-	-	-
(c) Television	63	26	-	-	-
(d) Press	75	-	-	-	-
(e) Direct Mail	-	-	-	-	-
(f) Billboards	-	-	-	-	-
(g) P.O.S.	14	2	1	1	-
(h) Other	4	-4	-	-	-

2. 'The Pools'

	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
Gross Profit	1 068	386	372	269	205

175. **The Hon. NICK XENOPHON:**

1. Will the Minister for Government Enterprises provide details of how much was spent by the Lotteries Commission of South Australia on advertising and promotions for 'Tuesday Oz Lotto':

(a) in total;
(b) on radio;
(c) on television;
(d) in the printed press;
(e) on direct mail (letterbox);
(f) on billboards;
(g) on point of sale promotion; and
(h) other;

during the periods—

1 July 1993—30 June 1994;
1 July 1994—30 June 1995;
1 July 1995—30 June 1996;
1 July 1996—30 June 1997;
1 July 1997—31 March 1998?

2. What were the gross profits (total sales less prizes paid) from 'Tuesday Oz Lotto' during these periods?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following response.

1. Tuesday Oz Lotto

	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
(a) Total	356	390	392	312	278
(b) Radio	114	30	1	11	63
(c) Television	165	179	193	234	161
(d) Press	53	93	142	67	49
(e) Direct Mail	-	-	-	-	-
(f) Billboards	-	-	-	-	-
(g) P.O.S.	24	88	56	-	5
(h) Other	-	-	-	-	-

2. 'Tuesday Oz Lotto'

	1993-94 ($'000)	1994-95 ($'000)	1995-96 ($'000)	1996-97 ($'000)	1 July 1997-31 March 1998 ($'000)
Gross Profit	2 224	6 104	5 696	5 659	5 564

181. **The Hon. NICK XENOPHON:**

1. How much was spent by the Lotteries Commission of South Australia on advertising and promotions in South Australian hotels during the periods—

(a) 1 July 1993-30 June 1994;
(b) 1 July 1994-30 June 1995;
(c) 1 July 1995-30 June 1996;
(d) 1 July 1996-30 June 1997;
(e) 1 July 1997-31 March 1998?

2. How much was spent by the Lotteries Commission of South Australia on advertising and promotions in South Australian registered clubs during the periods—

(a) 1 July 1993-30 June 1994;
(b) 1 July 1994-30 June 1995;
(c) 1 July 1995-30 June 1996;
(d) 1 July 1996-30 June 1997;
(e) 1 July 1997-31 March 1998?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that:

1. The Lotteries Commission of South Australia's advertising and promotions have not been conducted specifically for outlet type until 1996.

(a) 1 July 1993-30 June 1994 -
(b) 1 July 1994-30 June 1995 -
(c) 1 July 1995-30 June 1996 $27 000*
(d) 1 July 1996-30 June 1997; -
(e) 1 July 1997-31 March 1998 $60 000*

*Keno

2. The Lotteries Commission of South Australia's advertising and promotions have not been conducted specifically for outlet type until 1996.

(a) 1 July 1993-30 June 1994; -
(b) 1 July 1994-30 June 1995; -
(c) 1 July 1995-30 June 1996; $ 7 000*
(d) 1 July 1996-30 June 1997; -
(e) 1 July 1997-31 March 1998 $14 000*

*Keno

SMALL BUSINESS FACTOR

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

1. Does the Government consider it acceptable that out of a total of 222 small businesses that have attended the State Government's 'The Success Factor' small business development course, just 12 businesses (or 5 per cent) were owned by women, even though more than 30 per cent of South Australian small businesses are owned and run by women?

2. (a) Has the Government undertaken any research into why the courses have attracted such little interest from small business women; and
(b) If not, why not?

3. What is the Government doing—

(a) To ensure that small business women are aware of 'The Success Factor' development courses;
(b) To encourage small business women to participate in the course;

(c) To ensure courses are run at family friendly times; and
(d) To ensure courses contain content relevant to small business women?

The Hon. R.I. LUCAS: The Minister for Industry, Trade and Tourism has provided the following information.

1. According to a 1996 Survey by Yellow Pages Australia on women in business, women are involved in running around 56 per cent of Australian small businesses. These include 5 per cent as a sole proprietor, 1 per cent as a solely female partnership and 50 per cent in a mixed gender partnership (primarily husband and wife management teams).

According to the survey, women play a leading role in running 13 per cent of Australian small businesses and are part of an equal male/female leadership team in 19 per cent of small businesses. That is, women play an overall leadership role in running around 32 per cent of Australian small businesses.

The survey indicates that women playing the key leadership role are most strongly represented in the personal services and retail industries, and in very small businesses. Women play the key leadership role in only 9 per cent of manufacturing firms and only 6 per cent of firms with an annual turnover of more that $500 000 per annum (key target areas for The Success Factor). Figures are not provided on the degree of involvement of equal male/female leadership teams in these groupings.

Based on these figures the Government is pleased with the numbers of women involved in the Success Factor program.

For the information of the honourable members, 360 people have attended the program representing 222 small businesses.

Statistics from the composition of attendees are as follows:

· 104 female attendees overall (29 per cent);
· 12 were owner/partners;
· 77 were either Managers or Directors;
· 15 were in administrative roles (Book-keeper/Secretary/Accounts Clerk).

2. (a) No research is required based on the above information.
(b) The Yellow Pages survey provided enough research data on this subject.

3. (a) 'The Success Factor' development program is being promoted through; Regional Development Boards; Industry Associations; Banks; and Professional Bodies acting as business advisers such as Lawyers and Accountants.
(b) To encourage small business to participate in the program the current deliverers of the program are in the process of developing a shorter program that will enable smaller businesses to attend, while not sacrificing business time.
(c) Negotiations are currently taking place between the government and the deliverers of the program on possible alternative options for delivery of the program at family friendly times.
(d) Course content is being reviewed regularly with the course deliverers after feed back is received from participating businesses to ensure relevance to small businesses.

SPEED DETECTION

187. **The Hon. T.G. CAMERON:** What criteria do police officers operating laser guns use when deciding whether to give a report or caution to offenders caught speeding?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that the cautioning policy is provided as an operational directive in the General Duties Manual of SAPOL.

Its application to speeding is:

Policy

It is highly desirable that all detected traffic offenders be spoken to by a police officer at the time of the commission of the offence, provided this course is not unnecessarily hazardous as in the case of trivial offence in very heavy traffic.

Members must use their judgment in deciding whether to report or orally caution. In making this decision consideration should be given to the following aspects:

· The type of offence alleged.
· Location, time of day and traffic density.
· Did the offence inconvenience or endanger other road users?
· What were the possibilities of inconvenience or danger?
· Was the offence trivial because of the attendant circumstances?
· Is the particular offender likely to respond to an oral caution?

Exceptions

· The offences for which members may issue cautions includes if the speed limit is exceeded by less than 10 km/h. All other speeding offences must be reported.

SAPOL is currently undertaking a review of the Cautioning Policy.

TAXIS

202. **The Hon. CARMEL ZOLLO:** How many accident claims made against the South Australian Compulsory Third Party Insurance Fund involved taxis for the financial years—

1. 1994-1995;
2. 1995-1996;
3. 1996-1997;
4. 1997-1998 (provisional)?

The Hon. DIANA LAIDLAW: The Treasurer has provided the following information.

1. 140.
2. 144.
3. 163.
4. 142.

HIRE CARS

203. **The Hon. CARMEL ZOLLO:** How many accident claims made against the South Australian Compulsory Third Party Insurance Fund involved hire cars for the financial years—

1. 1994-1995;
2. 1995-1996;
3. 1996-1997;
4. 1997-1998 (provisional)?

The Hon. DIANA LAIDLAW: The Treasurer has provided the following information.

Please note the change in licensing provisions applied from April 1997, changing the CTP Premium category from 'hire car' to 'small public passenger vehicles (authorised to carry up to 12 seated passenger)'.

1. 8.
2. 8.
3. 27.
4. 22.

204. **The Hon. CARMEL ZOLLO:**

1. How many night time police helicopter flights have been conducted each month since January 1997?

2. How many of these flights have occurred during the Adelaide Airport curfew times?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised of the following statistics by the Police—

		Number of Flights	
		2100-0600	2300-0500
Year	Month	Night	(Airport Curfew)
1997	January	2	3
1997	February	1	2
1997	March	2	7
1997	April	3	2
1997	May	4	3
1997	June	1	2
1997	July	9	7
1997	August	7	5
1997	September	0	1
1997	October	1	2
1997	November	4	6
1997	December	4	3
1998	January	4	11
1998	February	3	7
1998	March	3	12
1998	April	0	7
1998	May	2	0
1998	June	nil to date	nil to date

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulation under the following Act—
Technical and Further Education Act 1975—
Revocation of Regulation 66
Corporation by-laws—
Port Augusta—
No. 1—Council Land
No. 2—Moveable Signs
No. 3—Flammable Undergrowth
No. 4—Waste Management
No. 5—Australian Arid Lands Botanic Garden
Gawler—
No. 3—Streets and Public Places—Amendment No. 1
No. 6—Dogs
No. 7—Poultry and Birds
Motor Accident Commission Act 1992—Motor Accident Commission—Charter
Public Corporations Act 1993—
Charter of ETSA Corporation
Charter of SA Generation Corporation (trading as Optima Energy)

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

Rules of Court—Supreme Court—Supreme Court Act 1935—Criminal—Obtaining Evidence Interstate

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

Regulation under the following Act—
Road Traffic Act 1961—School Zones.

INTOXICATION AND THE CRIMINAL LAW

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement about intoxication and the criminal law.

Leave granted.

The Hon. K.T. GRIFFIN: On Wednesday 1 July 1998 I made a ministerial statement in which I indicated that I had asked my office to prepare a discussion paper on the subject of intoxication and the criminal law, that I was acquainting myself with its contents and that as soon as I could I would release the discussion paper and draft legislation for public consideration and for the information of honourable members. I am now in a position to do so, and I seek leave to table the discussion paper with the draft Bills attached.

Leave granted.

The Hon. K.T. GRIFFIN: The discussion paper is divided into six parts. The first deals with the history of the treatment by the law of the heavily intoxicated offender, while the second traces the interaction between that specific and particular area of the common law with the development by the common law over time of a coherent set of principles for the attribution of criminal responsibility in a general sense. The discussion paper sets out to inform the reader about the general principles of criminal fault and the notion of 'voluntariness', both of which have become fundamental to the notion of criminal responsibility in almost all serious criminal offences, and how those notions are employed to define the idea of criminal guilt.

The paper also attempts to show how these general concepts and the particular case of the heavily intoxicated defendant interact to produce results in terms of criminal liability. The third part of the discussion paper surveys how the common law and statute have dealt with the general concepts applicable to the intoxicated defendant in England, Australia, New Zealand and Canada. The survey shows that the courts using the common law in Australia, New Zealand and Canada have come to the conclusion that there should be no special rules of criminal liability for the intoxicated defendant, while England maintains a set of special and artificial rules developed by the House of Lords in 1920 and abandoned by the common law of other jurisdictions.

The fourth part of the discussion paper surveys the conclusions of various law reform bodies which have examined the issues over recent years. Again, it shows that by far the majority of these inquiries have concluded that there should be no special rules of criminal liability for the intoxicated defendant. A notable exception is the Law Commission of the United Kingdom. It has addressed the issue no less than three times in recent years and advocated a different special set of rules on each occasion. This sequence of consultation papers, discussion papers and reports alone suffices to show that the issues are complex and defy simplistic and emotional solutions.

The fifth section of the discussion paper discusses the strengths and weaknesses of the current South Australian law and each of the many proposals about the law that have been made over the years by courts, law reformers and individuals from jurisdictions similar to ours. It focuses special attention on the common law and the Nadruku case, with which I am sure honourable members will be familiar. It also pays special attention to the proposals for statutory change recommended by the Model Criminal Code Officers Committee, a proposal made originally by the United Kingdom Butler Committee, and the private member's Bill introduced a number of times in another place by the shadow Attorney-General. For ease of reference and due consideration, I have asked that each of these options for change be reduced to a form familiar to members, that is, a parliamentary Bill, and these are attached to the discussion paper.

I am grateful to Parliamentary Counsel for the time and trouble he has taken to allow me to do that. I want to record, also, my appreciation to my Senior Legal Officer, Mr Matthew Goode, who is my representative on the Model Criminal Code Officers Committee and who has diligently and with a great deal of hard work put together this discussion paper and worked on the Bills in attachments A and B. I would like to emphasise that the discussion paper is just that—a paper designed to promote and facilitate discussion—and that none of the attached Bills represents my position or that of the Government. They, too, are designed to help the consultation process and that is all.

The last section of the discussion paper represents a brief attempt to draw all these many threads together. It begins where I will end this statement. It is clear that, however the problem of the intoxicated defendant is viewed, the legal regime applicable is and always has been the least of a number of evils. No legal regime will satisfy all, and all regimes can cause poor results which can outrage some people. This is not a simple and straightforward choice between options, for all have good and bad consequences. The question of the applicable regime is inextricably bound up with the rules for general criminal fault and criminal responsibility. Those rules are there for all of us, not just those of us, as a society, who think we should have the benefit of them. This is generally known as the rule of law, or equal protection of the law.

Fundamental changes to principles of the criminal law should not be made lightly but only after careful consideration. While there will be some who are impatient for change and some who will want to make a quick superficial response to seek popular support, I urge everyone to treat the issue as one of significant seriousness for the whole community. As members will see from this discussion paper, the issue is

complex but it and the attached Bills are being released to facilitate public discussion and receive views and opinions. I am making a copy available to all members and anyone who wants a copy may obtain one from my office. All comments and expressions of opinion will be welcomed. In order to bring the matter to a conclusion, I invite comment to be made to my office by Monday 31 August 1998.

AUSTRALIAN DANCE THEATRE

The Hon. DIANA LAIDLAW (Minister for the Arts): I seek leave to make a rather long ministerial statement on the subject of the Australian Dance Theatre.

Leave granted.

The Hon. DIANA LAIDLAW: Last Thursday, 16 July, agreement was reached between the Australian Dance Theatre (ADT) and Meryl Tankard which will see Ms Tankard continue as Artistic Director of the company for the next nine months, until the end of April 1999. The agreement provides for the continuation of Ms Tankard's current contract until that time, with a variation of some of the terms.

Succession Issues 1992

Before I canvass some of the background issues and forward plans relating to this matter, I wish to refer to succession issues that beset the company in 1992. I do so with a serious sense of deja vu—and against recent calls that I, as Minister for the Arts, should have intervened to rescue Ms Tankard and the dancers at any cost, or should seek now to sack the board or the General Manager or both.

On 20 February 1992 in this place (the Legislative Council), the Hon. Ian Gilfillan referred to a letter he had received from the dancers of the Australian Dance Theatre, who had written:

> . . . to express our concerns with the decision made by our board to terminate Leigh Warren's contract at the end of 1992. The dancers are unanimous in their belief in Leigh's unique contemporary style. . . as well as his vision for ADT as an integral part of dance in this country.

The dancers went on to highlight much more about Leigh Warren's contribution over five years to take the company from 'a disastrously large deficit, into surplus', the praise reviews that had been received for performances and their concern that the board had provided '. . . no concrete reason for Leigh's dismissal'.

The Hon. Ian Gilfillan also asked a series of questions, including:

> Will the Minister intervene with the board on behalf of the dancers? Is the Minister satisfied that the board's decision is fair and in the best interests of ADT? And will the Minister ascertain the reasons for the dismissal in order to avoid a rebellion by the dancers?

In reply, the then Minister for the Arts, the Hon. Anne Levy, stated:

> I certainly do not wish to intervene in any way with the board's actions. The board of ADT is appointed to run the affairs of ADT, and it would be totally inappropriate for any sort of political pressure to be applied to it or any members of the company to influence in any way the relationships within the company.

Ms Levy went on to emphasise:

> I have indicated both to members of the board and to the Artistic Director that it is not appropriate that I intervene in the relationships within the company. I do not intend to resile in any way from that position.

'Hands off'

The 'hands off' position adopted by the Hon. Ms. Levy as Minister for the Arts in 1992 was appropriate in every sense. It has been equally appropriate for me to adopt the same 'hands off' position to the troubles that have confronted the company over more recent years, and particularly recent weeks.

There are 23 performing arts companies established under different statutes in South Australia, each with boards responsible for the operations of the companies. There are many more such boards operating in every other arm of the arts. No-one in their right mind, surely, would suggest that it is either practical or desirable for the Minister for the Arts to manage the affairs of these companies. Boards have been established for this specific purpose, and I uphold this form of management and legal entity. Indeed, if I did not, I suspect that I would be the first to hear howls of protest from the arts sector in South Australia. In this context I recall a letter last month from the Chairman of the Arts Industry Council, Mr Jim Giles—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Listen to what the Arts Industry Council says—expressing a clear view that in any conflict between management and artistic direction the Minister ought to hold herself back from the immediate dispute. Mr Giles said:

> . . . to do otherwise is to override the authority of the board.

And I agree.

Corporations Law

In the specific case of the Australian Dance Theatre, the company is incorporated under the Corporations Law with its own memorandum and articles of association providing its operating rules.

The company is its members (not the Minister), with the articles of association defining the conditions to be applied to membership, the entitlement to vote at meetings and the election of three of the eight directors of the board. The other five directors are appointed by the Minister but, once appointed, all directors are subject to the Corporations Law with a primary responsibility to act in the best interest of the company.

In terms of engaging people, the articles specifically provide for the appointment of only one person, that of Chief Executive Officer, who may also be appointed Secretary and public officer for the company. There is no specific provision in the articles for the appointment of an Artistic Director. However, Clause 2[r] of the memorandum does provide for the company 'to engage any person upon such terms and subject to such conditions as the company may determine'.

Artistic Director

In February 1992, the board of ADT, then chaired by Ms Mary Beasley, resolved, as was within its powers to so do, to terminate Mr Leigh Warren's contract as Artistic Director one year before the expiry date. In April 1992, the same board appointed Ms Tankard on contract as Artistic Director for five years commencing January 1993. Again, as was its right under clause 2[r] of the memorandum relating to terms and conditions, the board renamed the company for all public purposes as the Meryl Tankard Australian Dance Theatre.

Today, reflecting on all the public and private dramas that have confronted the company over recent years, I suspect that the board's decision in 1992 to grant the Artistic Director Meryl Tankard with naming rights to the company was not fully assessed in the context of the legal and structural arrangements imposed on the company's operations. While the company now bears her name, Ms Tankard does not own the company. She is, in fact, engaged by the company on

contractual terms which, like every other company in similar circumstances, it has every reason to expect will be honoured.

Ms Tankard's contract includes a confidentiality clause, which the board of ADT has upheld at all times, possibly to its detriment. Meanwhile, over recent months in particular, an orchestrated public relations campaign has fed the media with one side only of the difficulties that Ms Tankard alleges she has experienced within the company. She may well be right.

There is, however, another side. To date, I have held back not only because it was improper to do otherwise but also to allow the parties to negotiate in good faith. The board also has held back, concerned at raising a range of issues that had the potential to cause embarrassment to the Artistic Director.

Once agreement had been reached on 16 July, I asked the Chairperson, Justice Margaret Nyland, to provide me with a report on the background to the board's decision earlier this year to seek a new working arrangement with the Artistic Director. I now propose to read for the public record the reply I received from Justice Nyland. I also seek leave to table a report which provides comprehensive support material for matters outlined in the letter.

Leave granted.

The Hon. DIANA LAIDLAW: I take both steps with some misgiving because I have enormous respect for Ms Tankard's artistic output and creativity generally, but I now consider, notwithstanding the report's being marked 'confidential', that the public is now entitled to know the other side of this saga. The letter from Justice Nyland dated 16 July states:

> Re: Meryl Tankard and the Australian Dance Theatre Ltd
>
> Dear Minister,
>
> As requested, I advise you of a number of key issues arising over the past 12 months leading up to the agreement reached with the Artistic Director today.
>
> The period between the expiration of the Artistic Director's contract in December 1996 and the signing of the fresh contract in August 1997 was a period of instability for the company. The Artistic Director pressed for a contract limited to one year only. She would not commit to a new contract until she had explored other options.
>
> The contract eventually signed in August 1997 had a clause which permitted either party to terminate without showing cause. At the time of execution of the contract, this was seen to be to the benefit of the Artistic Director, rather than the company. . . Issues which thereafter confronted the board included (not necessarily in order of importance):
>
> 1. The preference of the Artistic Director for high profile international touring at the expense of local obligations.
>
> 2. Failure to provide the company program by the contracted date in each year.
>
> 3. Failure to provide any program suitable for regional touring.
>
> 4. Failure to undertake any regional tour, despite the efforts of the company to accommodate increased international touring.
>
> 5. An unwillingness or inability to understand and adhere to budgetary measures needed for the company to meet funding obligations.
>
> 6. Making statements to the media about non-artistic matters in breach of specific board direction and the terms of her contract.
>
> 7. The disclosure of commercial in-confidential board matters to third parties.
>
> 8. Breaches of confidentiality generally, well demonstrated by recent events.
>
> 9. Absenting herself from Australia to pursue private commitments without prior authorisation from the board.
>
> 10. Insufficient time allowed for personal supervision of rehearsals reflected by criticisms of *Possessed* [the Festival production] in the press.
>
> 11. Unwillingness/refusal to participate in planned sponsor events which caused embarrassment and affected the reputation of the company.
>
> 12. Resistance to the establishment of an OH&S committee for the welfare of the dancers.
>
> 13. An unwilling to cooperate with the management. This appeared to be a recurrence of the situation which had led to the resignation of three previous general managers as well as a number of staff.
>
> 14. Press comments concerning the board and management which were destabilising to the company.
>
> The board therefore decided that the current situation with the Artistic Director had become unworkable. We were confronted with two options:
>
> (a) To permit the Artistic Director to do as she wished without direction from the board or management. This would have required the board to disregard its obligations as directors of the company, which would have left the company without any management structure and would in my view have rapidly bankrupted the company.
>
> (b) Enter into a new arrangement which would permit the Artistic Director the freedom to pursue her international career but which would enable the company to fulfil its obligations locally.
>
> This could be achieved by a restructured arrangement which had been notionally discussed at the strategic review meeting. We would effect the arrangement by exercising our option to terminate the current contract and offer a fresh contract with respect to future work. This appeared to be the best solution for both parties. The board was anxious to conclude the agreement amicably. It was for this reason that the meeting was held on 15 April 1998. The date was unfortunate but the extensive absences of the Artistic Director overseas made it difficult to find any date which would not be a problem. In addition, it was arranged to accommodate her agent, who was overseas.
>
> It should be made clear that the board did not exercise its option to terminate the contract. The board has continued to maintain confidentiality of discussions in the hope that an agreement could be reached with integrity, clearly to its own detriment in the public arena.
>
> The press release which has been the subject of public comment was drafted in the event that the Artistic Director agreed to proceed with the new proposal forthwith and to be released with the Artistic Director's consent. She did not do so. Accordingly, the document was never released by the board. In addition, the board did not and has not advertised or approached any artist or their agent to replace the Artistic Director, pending the resolution of negotiations.
>
> Yours faithfully, N. Nyland.

From my own 'hands off' perspective, I wish to reflect on four issues only—funding, programming, contractual negotiations and stability of the company.

Funding

The principal funding agencies—Arts SA and the Australia Council—fund the company, not any other party. The board of directors, in turn, is accountable to those funding agencies for performance outcomes and how they meet their common law and statutory law obligations. The company, like almost all arts companies, is precarious financially. It has been so for years. The board is most conscious of this matter. Certainly, financial considerations have been a source of tension between management and the Artistic Director, because no work undertaken by the company recoups the costs of developing, presenting and managing the work. So, the increasing international focus which the company has encouraged in recent years presents a real challenge.

Through Arts SA, South Australian taxpayers have maintained funding for the ADT—and this year will again provide $732 000. As a State, over the past five years we have provided much greater financial support for contemporary dance than any other State Government nationwide. Over the same period, however, I have been presented with:

1. Recommendations by the Dance Peer Assessment Committee that advises me on funding applications that in 1996 the funds allocated to the Meryl Tankard Australian Dance Theatre should be cut. I responded by asking the then

Department of Arts and Cultural Development to reassign the ADT from peer assessment to the category of lead agency. They did so, and subsequently offered the company triennial funding. They have also maintained funding, despite the earlier recommendation of the Dance Peer Assessment Committee.

2. Representations from Ms Tankard and individual board members of the company that Leigh Warren Dancers be defunded and the funds amounting to $163 000 be redirected to the Meryl Tankard Australian Dance Theatre. I refused to oblige.

In the meantime, the Australia Council when it designated ADT as a major organisation about two years ago and offered the company triennial funding only did so after cutting the company's funding base in 1993 by $137 000. Arts SA has written to the Australia Council highlighting the increased pressure on the ADT's viability due to the company's increased international focus. The question posed to the Australia Council was: considering that South Australian taxpayers had essentially seed funded the building of an international profile for the company would the Australia Council now provide increased funding and effort to support this activity? This challenge has not yet been grasped by the Australia Council.

Meanwhile, the Playing Australia Fund, managed through the Australia Council, did not accept the Meryl Tankard Australian Dance Theatre as part of its national touring program this year. More recently, the Melbourne Festival cancelled the company's proposed performance for October this year.

Performance Program

Over the past year and a bit Arts SA has asked all leading arts companies in South Australia to consider a number of issues in terms of South Australian taxpayers' investment in the arts. One such issue has been the balance of work between local, national and international performances.

I seek leave to incorporate in *Hansard* a table that identifies the dramatic change in the performance balance by the Meryl Tankard Australian Dance Theatre over the years 1995 to 1997.

The PRESIDENT: Is that purely statistical, Minister?

The Hon. DIANA LAIDLAW: Yes.

Leave granted.

Year	Production	No.	Over-seas	Aust.	South Aust.
1995	VX18504 (Adelaide)				8
	Furioso (Adelaide)				7
	Songs of Mara (Adelaide)				7
	Possessed (Barossa Music Festival)				2
	Furioso (Melbourne)			5	
	Furioso (Canberra			2	
	Furioso (Germany)		6		
	Total	6	6	7	24
1996	Orphee & Euridice			12	
	Songs of Mara (Sydney)			9	
	Rasa (Adelaide)				6
	Aurora (Playing Aust)			17	5
	Miniatures (Adelaide)				4
	Furioso (US)		10		
	Furioso (Brisbane Festival)			6	
	Total	7	10	44	15
1997	Furioso (Sydney)			5	
	Furioso (Regional—Geelong/Ballarat)			4	
	Inuk (Adelaide)				10
	Fortuna (Barossa Music Festival)				4
	Inuk & Furioso (European Tour)		12		
	Inuk (Hamburg)		3		
	Furioso (France)		5		
	Total	9	20	14	14

1995-1996-1997 Total performances 154
No. in Adelaide 53

The Hon. DIANA LAIDLAW: Members will note that in 1995 the company performed six different productions—six overseas and 24 in South Australia. The following year it performed 10 productions overseas, 15 in South Australia and 44 elsewhere in Australia. In 1997 it performed on 20 occasions overseas, 14 in South Australia and 14 elsewhere in Australia.

In terms of programming priorities I acknowledge that last August I found it very hard to accept the reluctance by Ms Tankard to perform in the Telstra Adelaide Festival 1998 due to potential commitments overseas that she wished to pursue. Representatives of the Festival alerted me to this problem some time after the Adelaide Festival Board had successfully secured $500 000 additional funding from the State Government to specifically showcase South Australian artists in the Festival.

On top of the Festival, Adelaide had just won the bid to host the first Performing Arts Market ever held outside Canberra. The bid team, backed by substantial funds from State Government sources, had anticipated that the Meryl Tankard Australian Dance Theatre would participate in the Market and the Festival, and rightly so in my view.

My difficulty stemmed from trying to rationalise why the Meryl Tankard Australian Dance Theatre's international profile could only be expanded by visits overseas when the international arts spotlight was on Adelaide, with our Festival regarded as among the three most renowned Arts Festivals in the world.

In all these circumstances I considered that in March this year Ms Tankard's priorities should not have been overseas, but they were—that was at least as at August the previous year. Even as late as January this year, a handwritten letter from Ms Tankard to the board refers to 'the Minister's and the board's insistence' that she perform in the Festival, and by inference Ms Tankard's reluctance to present work in the Telstra Adelaide Festival 1998.

Contractual Negotiations

Ms Tankard's reluctance last August to appear in the Telstra Adelaide Festival 1998 came on top of some 10 months of negotiation by the board to renew Ms Tankard's contract as Artistic Director. The initial contract provided that any renegotiation be resolved by March 1996, but it was not finally signed off until August 1997. The company's trials and tribulations over this period are outlined in some detail in the report from Justice Nyland which I have just tabled.

So, for the purposes of this statement today I simply highlight that the negotiations commenced in November 1996. They stalled in March 1997 when the board first learnt—as did I—from an article in the *Australian* that Ms Tankard had submitted an artistic program for the position of Artistic Director for the new dance company to be established in Melbourne.

In April, informal advice was received by Arts SA that, while Ms Tankard was on a short list of three for the Melbourne job, she would not be offered the job. I have no idea if Ms Tankard was ever made aware of this situation. But two days later the ADT received a fax from

Ms Tankard's agent that Ms Tankard had opted not to proceed further with the Melbourne application. A day later, ADT received a further fax from Ms Tankard's agent, as follows:

> Unfortunately since Hanne sent the fax we have both been made aware of several options open to Meryl still under discussion. The situation is not as clear as it may have sounded [that is, as of yesterday]. Meryl is obviously keen to investigate all options and whether or not she stays in Adelaide is dependent on these, and of course the terms and conditions offered to Meryl by ADT.

Thereafter, it took some four months for the board to advance the negotiations to the point where Ms Tankard signed a new contract on 11 August last year to continue with ADT as Artistic Director for a period of three years. Over these months, the company had no idea who its Artistic Director would be for the coming year or, indeed, for the next three years.

The company was vulnerable, the dancers were vulnerable, the State's investment in contemporary dance was vulnerable, and so was contemporary dance as an art form. Everything was essentially on hold, including sponsorship opportunities. The company was being held to ransom while Ms Tankard explored, as her fax from her agents on 16 April identified, all other options. I understand that in good faith the board sought a three year contract term, in part due to triennial funding terms offered by both funding bodies—the Australia Council and Arts SA. Ms Tankard's preference, however, was for one year only, which would have meant the company would right now again be in the midst of renegotiating an extension of Ms Tankard's contract or seeking a new Artistic Director. With the benefit of hindsight, it might have been better for all parties if the contract signed last August reflected Ms Tankard's preference to remain with the company only one more year, until December this year.

Certainly, it seems to me that by the time the contract was signed tensions in the company were strained and nerves were taut. The tensions have compounded subsequently, and working relationships are essentially unworkable. This situation is not new. I note that since Ms Tankard's appointment—and perhaps it is just a coincidence, but these are the facts—as Artistic Director three years ago, the company is now employing its third General Manager (plus an interim General Manager). Also, for an essentially lean company structure, there has been a high turnover of personnel—18 management and production staff and 15 dancers over the past five years. Four of these departures, including one dancer, resulted in potential litigation which, with difficulty, the board settled. Review of company structure: I noted at the outset that the company has had a turbulent 33 year history in terms of Artistic Directors. I now accept the advice of Arts SA that, in the best interests of the company's future stability and viability, it is now appropriate for a review to be undertaken of the company's legal structure and other working relationships. Certainly, it is my wish that no future Minister for the Arts must ever again endure such difficult circumstances as have unfolded over the past 18 months—being required on the one hand to be hands off, yet being held accountable for the outcome.

The legal structure of the company has not been updated since 1975, except for some technical amendments. Today, I advise that, with the encouragement and cooperation of the Board of the Australian Dance Theatre, Arts SA is in the process of commissioning an immediate review of the legal and other structural arrangements applying to ADT. The review is designed to provide the company with a modern legal—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I thought you would be interested in the future of the company.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: The honourable member is not interested, but perhaps you, Mr President, would like to listen to this. The review is designed—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, others have not had the opportunity to hear, so perhaps you should pay them that courtesy. The review is designed to provide the company with a modern legal and structural platform for delivering a contemporary dance program that sustains high levels of artistic standards and performance output—internationally, nationally and locally—within its current levels of financial assistance from State and Federal funding authorities.

In looking to the future, the review will examine the history of the succession of Artistic Directors to identify common elements that have created particular difficulties in the past. The arrangements will be assessed against criteria for optimal performance, effective governance and cost effective operations. The practices of successful companies in the performing arts generally will be examined, drawing particularly on the substantial body of data on best practice assembled by the Major Organisation Board of the Australia Council. Specifically, the review will focus on the most desirable future arrangements in the areas of—

- legal entity and constitutional provisions;
- board structure, including the use of ministerial appointments (as an aside, I really question why the Minister has five appointments on the board, but it is a structure that I have inherited in terms of my responsibilities) and staff/dance elected or appointed positions (this is an important issue, one which the dancers are keen to pursue);
- management structure and practices, including contracting practices and confidentiality clauses;
- the extent of policy advice and obligations from funders; and
- financial sustainability.

It is proposed—and I am keen that this is so—that the review will be completed within two months, by the middle of September 1998. An established arts expert, in terms of an arts form, will be appointed to conduct the review, drawing on resources from Arts SA and the Australia Council. Certainly, if required, I would be prepared to provide my reflections on all issues to be reviewed.

Pending the outcome of the review, the formal process for recruiting a new Artistic Director will be suspended, although the time will be put to good use to assemble a high quality selection panel, and identifying possible successors will begin forthwith. The formal process will be commenced by no later than the end of September 1998, leaving a minimum of four months to find a replacement for Ms Tankard as Artistic Director. During the course of this review, which indeed will report to Arts SA, the primary point of consultation will be the company itself. It will be kept fully informed of progress throughout. As I noted earlier, the board is keen to cooperate in the undertaking; in fact, it endorses the undertaking. The matter of triennial funding from Arts SA will be reconsidered in the light of the outcome of the selection process.

I trust this review will help to confirm ADT as a viable, stable structure, providing employment opportunities for

dancers and performance opportunities for audiences to enjoy the highest quality of contemporary dance in this State, nationally and internationally, well into the future. This was Elizabeth Dalman's dream when she established the company in 1965, and it is the vision of the board today. Certainly, it is my wish and that of all the principal funding agencies.

Finally, I confirm once again that Ms Tankard always has had and always will have in the future my support to perform in South Australia. I have a high regard for her work and continue to have photographs of Meryl in my office and on the twelfth floor of my workplace. Her work in dance is some of the most exciting that I have seen from time to time. I also confirm that the offer to Ms Tankard to give an option on a new work in South Australia within a defined period in the future, possibly the next Adelaide Festival if this is the wish of the Artistic Director of the Festival, Ms Robyn Archer, remains on the table.

The PRESIDENT: Order! I acknowledge the presence of our former colleague, the Hon. Mario Feleppa.

QUESTION TIME

AUSTRALIAN DANCE THEATRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Australian Dance Theatre.

Leave granted.

The Hon. CAROLYN PICKLES: I seek leave to table a document dated 26 June regarding this matter sent from the ADT Board's lawyer to Ms Tankard's lawyer.

Leave granted.

The Hon. CAROLYN PICKLES: As the document is quite extensive, I will read only the significant excerpts, although obviously members can read the whole document. I quote:

> Your client should be aware that the board has and will continue to monitor all comments made by her [Ms Tankard] in the media. It will also consider its position with respect to defamation proceedings. She should be informed however that during this trip [to Japan] in addition to monitoring the local media comment we will also monitor the international media.

The letter continues:

> We confirm that our client—

being the board—

> wishes to terminate the contract. . . We advise that the offer made on 15 April 1998 to reach a mutually agreed termination. . . but would include an ongoing relationship with the company will remain open to 15 July 1998. . . Accordingly, after 15 July 1998 the board has instructed me to give formal notice of the termination of the contract.

The Minister's press release of 14 July 1998 fully endorses and agrees totally with the strategy set out by the board which is to 'resolve' the dispute by 15 July 1998, and by that the board and the Minister mean to terminate Ms Tankard's contract. The Minister's press release states:

> In any event I now consider that. . . the future association of Ms Tankard with the company be resolved by 15 July.

It continues:

> Ms Laidlaw says it is the board's wish to now renegotiate in good faith Ms Tankard's continuing association with the company in the medium term.

I must say that the Minister's faint praise in that press release was quite insulting to the company. However, what we suspected and what today's document proves is that as early as 15 April the board was trying to oust Ms Tankard and, what is more, the Minister's subsequent statement reveals she endorsed that strategy. The board defended the 15 April press release by saying:

> A draft news release prepared on 15 April. . . had not been authorised for release. The board has been acting with the utmost goodwill to resolve this situation. . . which would see the services of Ms Tankard retained until after the US tour in March next year with a further offer for future work.

However, the letter that I have just tabled confirms the board's intention to terminate the contract as per its 15 April press release and that it gave Ms Tankard formal notice that her contract would be terminated after 15 July 1998. As the ADT's lawyers are shooting off such letters as this one, it is important to remember the statements made by the Minister in the Parliament on 2 July, nearly a week after Ms Tankard received this letter from the board. The Minister tells a very different story:

> She has not been given her marching orders nor has she been sacked. . . we are keen to continue the association with Meryl.

The Minister made similar statements in the Parliament on 17 June. We should also remember the Minister has appointed five out of the eight ADT Board members, presumably for accountability purposes, given the $732 000 annual State Government investment in the company. Presumably those board members, despite the fact that the Minister says she does not need all those nominations to the board, do eventually report to her and the Minister has some kind of dialogue with them.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: I should imagine that you have a dialogue with them. If you do not, you should. Therefore, my questions to the Minister are:

1. Will the Minister explain why she told the Parliament on 17 June and 2 July that Ms Tankard had not been given her marching orders when the board's documents clearly show it sought to terminate her contract as early as April and gave formal notice of the termination of the contract on 26 June?

2. On what date was the Minister or her office first advised of the dispute and the actions of the board, by whom and what actions did she take?

The Hon. DIANA LAIDLAW: I will clear up one of a number of inaccuracies in the explanation. For the honourable member's benefit, it is not a matter of whether or not I endorsed the strategy. If she had listened to my ministerial statement, she would know that the company is empowered by its articles of association, memorandum of articles and under the corporations law of this country, to run and engage the company—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I cannot direct the company.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: You had better do a quick legal course. What my views are do not matter. The contract for the Artistic Director is with the company. The company is responsible for engaging on terms mutually agreed by Ms Tankard as Artistic Director. It is not a matter of whether I endorsed the appointment in the first place or the strategy in the longer term. I ask the honourable member, before she gets too excited or makes other factual errors, because I would like her to be seen to be credible as shadow Minister in this

area, to read my statement because it will give a bit of a lesson in terms of corporations law and what the Minister's powers are. I ask her to read it because I am trying—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: If she ever becomes Minister in the future, I would not wish her to experience the situation that I have, where I am required to be hands off but in this Parliament and for all other intents and purposes I am held to be accountable. It is a most invidious position in which to be placed. As I said, the corporations law provides the company with the full powers to deal with this situation as it best sees fit in the company's interests.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I highlight that Ms Tankard's contract has not been terminated—she has not been sacked. The board did not, as did an earlier board to Mr Leigh Warren in 1992, sack Ms Tankard. There is a variation of the conditions of the current contract and that has been signed by all parties.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: It is not whether I want her to stay or not. I have on the table an offer of $20 000 from Arts SA to bring her back in the future. I ask the honourable member to recognise, no matter my view in this matter, that Ms Tankard last year sought only a one year renewal. It was the board that sought three years. Ms Tankard found it difficult to come to the table to sign a renewal of that contract last year because she wanted to pursue every other option than to be in South Australia. It has been very difficult to keep her here, both contractually and in terms of performance. Of course, that is what I would have liked to see on both counts, contractually here and to see more performances here.

The Hon. A.J. Redford: She could have been terminated on the six month clause.

The Hon. DIANA LAIDLAW: She could have been terminated on the six month clause as a former board did to Leigh Warren, but she was not. I do not have all the questions in front of me that the Hon. Ms Pickles asked, but I will bring back a reply on those matters tomorrow.

ELECTRICITY PRIVATISATION

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. What contact has the Government had with the National Competition Council (NCC) or the Australian Consumer and Competition Council (ACCC) in relation to the proposed restructuring of ETSA and Optima? Secondly, will the Treasurer table any correspondence from the NCC or the ACCC in relation to the proposed restructuring of ETSA and Optima? Finally, has the NCC placed any conditions on the structure of ETSA and Optima or has it made any threat in relation to competition payments which are subject to any restructure of ETSA and Optima and, if so, what are those conditions?

The Hon. R.I. LUCAS: There has been significant contact with ACCC and NCC. I will need to take some advice to give some sort of general outline of the particular meetings and discussions. Certainly, there has been a summary of the views given to us by the ACCC and NCC in recent statements made by the Premier to the House of Assembly at the time of the announced restructuring of our electricity industry in South Australia.

There is no doubt that some significant conditions have been laid down in relation to what both the ACCC and the NCC require. We had extensive discussions in seeking approval for the proposed restructuring of the electricity industry with both the ACCC and the NCC. I am happy to provide a response to the honourable member's questions. I will take on notice the issue whether I will table all correspondence, but certainly I am happy to provide a detailed response to the honourable member's questions.

MARREE MAN

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question on the Marree landscape relief caricature, or the Marree man, as it has become known.

Leave granted.

The Hon. T.G. ROBERTS: Members have been exposed *ad nauseam* over the past few weeks to the media's explanation in relation to the landscape caricature of an Aboriginal warrior. There are divided views within the community about its merit, its contribution to reconciliation—or the lack of it—and the sensitivities of the placement geographically of that caricature in an area which has been subject to disputation between Aboriginal claimants and the Government.

An investigation conducted by the Marree police in South Australia has not been able to determine the people responsible. Aboriginal people in the area have contacted me. Reg Dodd, an elder representing the Arabunna tribe in the area, who has been a long time worker for and on behalf of the Aboriginal people in the area in relation to the protection of Aboriginal culture and the preservation of Aboriginal artefacts, has contacted me to express concern that the police investigation had stopped. The local Aboriginal people were hoping that, if those artists responsible for the caricature or the landscape were located, if they knew what was in their hearts they might know what was in their heads.

People in the area are not sure whether the artists have done it as a mark of respect for Aboriginal people; whether it has been done to increase opportunities for tourism in the area; whether it has been done with some understanding of Aboriginal culture; or whether it has been done out of malicious benevolence, knowing the problems that do exist in the area in relation to issues associated with the claimants, the mining industry and the pastoral industry, etc.

The local people describe those who may be involved as perhaps coming from either Narrunga Base or Woomera, or perhaps using Landsat navigational aids from outside the area. There is much speculation, as the media have indicated. Nobody is quite sure who is responsible but, certainly, there are warm leads which perhaps the police should be following up. Equipment has been seen and identified; Aboriginal people in the area have noted that a large four-wheel drive and a large disc plough arrangement have been seen in the area, and I understand that the police have all that information. My questions to the Attorney-General are:

1. What action has he taken to continue the investigation into who is responsible for the Marree landscape caricature and why it was created?
2. Why did the police investigation halt?
3. When will the investigation recommence?
4. Will the Attorney-General ensure that all interests in the creation be involved in discussions to allow for positive outcomes, because it is in everyone's interests to have all parties involved in finding a solution for the future?

The Hon. K.T. GRIFFIN: I have done nothing on it because it is not a matter for which I have ministerial responsibility. The land is unallotted Crown land. That is under the responsibility of another Minister.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: I think successive Governments have been of the view that the land should ultimately be transferred to the Aboriginal Lands Trust, but there was a technical difficulty on that which we rectified in the past few months, I think, with an amendment to the Aboriginal Lands Trust Act. Some discussions are occurring in relation to that, as far as I am aware. In terms of the police, they are issues which are primarily the responsibility of the Commissioner for Police but under the ministerial authority of the Minister for Police, Correctional Services and Emergency Services. Obviously, I will refer the questions to the relevant Ministers and bring back a reply.

ELECTRICITY, PRIVATISATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Hon. Robert Lucas, as Leader of the Government in this House, a question on the subject of the Australian Democrats' privatisation claims.

Leave granted.

The Hon. L.H. DAVIS: I was sitting quietly at home watching television on Sunday night when my tranquillity was severely disturbed by the appearance of the Hon. Sandra Kanck on television news claiming that customers of Victoria's privately owned power supplies were three times more likely to suffer cuts to their power supplies than ETSA customers.

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: Well, I had nothing better to do: I was transfixed. The Hon. Sandra Kanck claimed that this was based on figures from the Electric Supply Association of Australia. She also claimed that power consumers in Victoria were likely to be without power for 100 minutes a year more than customers serviced by ETSA. I was so interested in this that I actually obtained a copy of her press release, which certainly followed this theme that these figures from Victoria demonstrated the folly of privatisation of power in Victoria. That was the theme of the press release. The honourable member dramatically concluded the press release with the following quote:

> Candles, once again, will become essential household items.

I must say that this had me worried because I did not have any candles at home and I certainly could not hold a candle to the Hon. Ms Kanck. These claims startled me. I then remembered reading in the *Age* last week that the Victorian Regulator-General, the independent umpire appointed to monitor the electricity industry in Victoria, had some good things to say about the power industry. This morning, I obtained the 74 page report of the Victorian Regulator-General which examined the comparative performance of the electricity distribution business for calendar year 1997.

The report makes the point that there has been a 5.3 per cent reduction in real prices of electricity since the disaggregation of the State Electricity Commission in October 1994—certainly, at variance to the arguments that one would read in the Letters to the Editor example from the Hon. Ms Kanck in recent days. The report also noted that overall service levels were improved or maintained in 1997 compared with 1996 and that reliability of supply throughout Victoria had improved. My questions are:

1. Has the Treasurer seen the claims of the Hon. Ms Kanck and does he have any information about the performance indicators for the electricity industry between Victoria and South Australia?

2. Do the performance indicators give credence to the claims made by the Hon. Ms Kanck with respect to the privatisation of the electricity industry in Victoria?

The Hon. R.I. LUCAS: I thank the honourable member for his question. Whilst he was transfixed, I must say that I nearly choked on my coco pops when I received a telephone call during Sunday morning from a member of the media advising me of this claim by the Hon. Sandra Kanck regarding 'lights out in Victoria'. The Hon. Mr Davis has referred to some other aspects of that press statement. In commenting on Sunday's performance by the Deputy Leader of the Australian Democrats and her performance over subsequent days, to which I will refer, I must say that I am enormously disappointed with the way in which she has approached this aspect.

An honourable member interjecting:

The Hon. R.I. LUCAS: I suppose that I had higher expectations of the Deputy Leader of the Australian Democrats. There is no doubt that this is the grossest distortion of the facts that I have seen from her for some time. I am not only disappointed but also dismayed that the Democrats have become so desperate to justify their position that they seek to distort the facts.

I want to share the facts with members and compare them with the claims made by the Deputy Leader of the Australian Democrats. After issuing the press statement about 'lights out in Victoria' and saying that for electricity consumers this means that, after privatisation, fridges begin defrosting more often, the dinner is half cooked, and candles once again become essential household items in Victoria, the Deputy Leader was interviewed on the Richard Margetson program on the following morning. During that interview, she was asked the following question by Mr Margetson:

> Is [it] that the information in a nub there, that the lights go off more often if you have a privately owned electricity company?

That was a specific question, to which the Hon. Sandra Kanck replied:

> Well, in Victoria that appears to be the situation and it's got worse over a couple of years now and these are the figures that have come from the industry body for the whole of Australia, the Electricity Supply Association, so I think it's fairly reliable information although I don't think they'd put it in quite those terms.

Let me assure the Deputy Leader of the Australian Democrats that that is indeed the view of the Electricity Supply Association of Australia.

Before I turn to the figures from the Regulator-General, the Electricity Supply Association, this industry body which the Deputy Leader claims has indicated that the figures have got worse since privatisation—

The Hon. Sandra Kanck: They're black and white, and—

The Hon. R.I. LUCAS: The Deputy Leader says that they are black and white and that they are there. She claims that the position has got worse since privatisation. The independent Regulator-General is the authority to whom everyone should turn in terms of the performance of the industry.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, the Electricity Supply Association issued a statement to the South Australian

Government indicating its willingness to have it quoted. I now quote from this statement:

If you look further at the figures, you will see that total quality of electricity supply has improved dramatically since 1993, when restructuring of the Victorian electricity industry began. Between 1993 and 1995 total quality of supply improved by more than 40 per cent. A further 20 per cent improvement has been achieved since privatisation.

I repeat 'since privatisation'. This is a statement from the—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Leader of the Australian Democrats does not like the facts being revealed to all members. This statement is not from me; it is from the Electricity Supply Association.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I am very happy to do that, but let us, first, compare the statements made by the Democrats with the facts. This statement from the Electricity Supply Association goes on to say:

Historical data indicates that the distribution systems in other States have consistently outperformed Victoria's.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The statement continues:

As you can see from the attached tables, the performance gaps between South Australia and Victoria were greater when the Victorian industry was under the SECV regime; the gap has tightened since the Victorian industry was privatised. In fact, since privatisation customer outage duration has fallen to less than half the level of outages under the SECV. Based on the figures collected by ESAA, claims that supply reliability deteriorates under a privatised industry are not substantiated.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, another one. We get an explanation a day from the Deputy Leader when she is caught out. Perhaps she may like to apologise for misleading the community. I remind members that that statement came from the ESAA and that on ABC radio, in response to a question, the Deputy Leader claimed that her figures had come from the industry body for the whole of Australia. I remind the Deputy Leader that that was in response to a question 'that the lights go off more often if you have a privately owned electricity company'.

The Hon. Legh Davis has referred to the recently released report of the independent Regulator-General, the body to whom members should turn for information in terms of outages within the industry. On the weekend the Deputy Leader made these claims and released some information from the Victorian Labor member, Peter Loney, to substantiate her claims. However, as I say, members should turn to the reports of the independent Regulator-General, someone who is not beholden to any Government, Opposition or Democrat in terms of that information. What concerns me about the Deputy Leader's claims during this ABC program is that when she was asked by Mr Margetson, 'Why is that necessarily an attachment to the fact that there is now a private ownership?', the Deputy Leader again said:

Well, it has got worse—that's the reality of it. Now I know that Rob Lucas is saying that historically Victoria had a bad record. But when I went to Victoria to talk to people about the situation there. . . they were saying that the Government has withheld the information for three years or so prior to the privatisation so that you can't get the reliable comparison—

The Hon. A.J. Redford: I heard that.

The Hon. R.I. LUCAS: I heard that, too. When I went to Victoria, I was given information. It was a matter of going to the Regulator-General and some of the other departments and agencies in Victoria. The information provided to me was that in the early 1990s the average outages in Victoria were about 500 minutes per customer. They then declined under the SECV, and these recent figures indicate that prior to privatisation they were still averaging about 250 minutes. In the most recent report from the Regulator-General that figure has declined to 199 minutes per customer.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, it is lower, but it has always been lower. That is not the claim. The claim made by the Democrats is that since privatisation the position has got worse in Victoria. That is the claim that was made by the Deputy Leader as reported in the transcript of her interview with the ABC's Richard Margetson. The Independent Regulator-General has actually concluded that there was an overall improvement in supply reliability from 1996 to 1997. That is not me making the claim: the Regulator-General has said that there was an overall improvement. He said a range of other things—and generally they were positive—about privatisation, and he certainly indicated some areas where improvement needed to occur. I am the last person to stand up and say that everything is perfect either under our existing system in South Australia or under the private system in Victoria. There is certainly much more detail, as the Hon. Mr Davis has indicated, under the reports from the Independent Regulator-General than used to exist under the old SECV and certainly in South Australia under the public utility ownership regime that exists here. There are many other areas where, in her attempt to pursue her case, the Deputy Leader has deliberately distorted the facts in relation to Victoria. I would call on the Deputy Leader to reconsider the statements she has made and to correct the public record by a statement to the Council some time later today or this week, or by way of a personal explanation if she wants personally to explain her position, and to respond to the facts.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: As long and as often as she wishes. It is important that we stick to the facts in this debate and that, in pursuing particular political agendas, we do not distort the facts just to suit our own political purposes.

The Hon. SANDRA KANCK: I wish to ask a supplementary question: will the Treasurer provide me with copies of the information to which he refers, in particular the number and duration of outages in Victoria for each year from 1990 to 1994?

The Hon. R.I. LUCAS: I have here a copy of the Report from the Office of the Regulator-General for 1997. I am happy to obtain previous copies of the Independent Regulator-General's reports going back some two or three years. I am also happy to share with the honourable member the information that has been provided to me on outages, in the interests of having a factual and rational debate on this issue rather than the scare campaigns that Victorians are running around with candles and that their food is defrosting in their fridges as a result of privatisation in the electricity industry.

The Hon. T.G. CAMERON: As a supplementary question: will the Treasurer provide copies of both those reports to members of the Opposition so that we can see just who is telling the truth?

The Hon. R.I. LUCAS: I am happy to provide copies of all that information to all members of this Chamber who are

interested in the topic. I would not wanted to flood everybody's mailbox with it, but I know that a number of members are particularly interested in this, including the Hons Mr Cameron, Mr Xenophon, Mr Redford, Mr Crothers and others. I will certainly provide that information to the members who have expressed an interest in this important issue.

NORTH TERRACE

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about traffic hazards.

Leave granted.

The Hon. G. WEATHERILL: Where it turns into North Terrace at the traffic lights, West Terrace is a three lane road. At the bend on the corner, just prior to turning into North Terrace, there is a reduction to two lanes, and the reason for that is the vehicles that are parked on the side of the road. There is not enough room to remove those vehicles further over so that three lanes could turn into North Terrace. Once you get down 300 yards towards the Morphett Street Bridge, the road then goes back to three lanes. It is a very dangerous corner. On top of that, the cutoff lane where Port Road merges into North Terrace is quite a traffic hazard. This is an accident waiting to happen. Will the Minister please have her department look into this and try to get it rectified?

The Hon. DIANA LAIDLAW: The roads that are the subject of the honourable member's question at that intersection are actually the responsibility of the Adelaide City Council and fall within the Adelaide City Council area. However, the Department of Transport, Urban Planning and the Arts, particularly the Transport SA section, is at the present time working with the Adelaide City Council on a traffic management plan for the whole city. I am quite confident that the intersection to which the honourable member has referred is the subject of assessment under that plan because, as he has highlighted, its design, not only the number of vehicles there, makes it a dangerous intersection. I am confident that it is being considered under the traffic management plan, because both the Adelaide City Council and the State Government have big plans to upgrade North Terrace generally, not only for the purposes of our cultural arts institutions but also for education reasons. However, it is a focal point for the city and it is not working well for traffic or in the interests of the city overall.

I would also highlight that in the meantime the State Government is very keen to continue what is called the 'inner ring road'. Over the past 18 months the Port Road bridge has been increased in size; Port Road near the brewery and Coca-Cola has certainly increased its capacity; the road through Mile End (Railway Terrace) has also been improved; and it is the Government's plan to continue that extension to South Road. The proposal is that that inner ring route will take a lot of traffic off West Terrace and North Terrace. I will gain more specifics from the Adelaide City Council for the honourable member and bring back a reply.

WORKCOVER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about WorkCover.

Leave granted.

The Hon. M.J. ELLIOTT: I understand that several regulations regarding the schedule of fees payable for services rendered in relation to workers' compensation are now up for renewal. I am informed that a submission has been put to the Minister to extend existing regulations Nos 179, 232 and 233—all of 1987—for another two years, which is the maximum period in which this can occur. Concern has been raised that all three regulations deal with substantive issues which involve WorkCover's core business and that they should have been reviewed by WorkCover before now. A substantial number of the regulations deal with workers' entitlements and cover a range of issues, including reimbursement for funerals, travel costs and medical entitlements. WorkCover has not negotiated to update these regulations, and this effectively puts on hold the provisions of fair entitlements for workers.

Under the regulations many of reimbursements are adjusted according to CPI, and in this depressed climate this has led to the reduction of entitlements. For example, I understand that funeral costs have actually been reduced by some $20 over the past year and that many other costs have shown no real increase since 1987. My questions to the Attorney-General are:

1. Has the Minister agreed to extend the existing regulations in relation to fees? If so, why?
2. For how long has any extension been granted?
3. What time frame is envisaged for the updating of the schedules?
4. Why does WorkCover need an extension of time to discuss issues as substantive as these, which involve its core business?

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

AMBULANCE SERVICE

In reply to **Hon. IAN GILFILLAN** (3 June).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the SA Ambulance Services that pensioners are the heaviest users of the scheme and the smallest contributors to the scheme's revenue. Their usage costs far outweigh their contribution. For example, the loss from the pensioner element alone is expected to total approximately $6 million in the 1997-98 financial year.

Under the previous price structure, the non-pensioner elements are unable to subsidise the losses. Government makes a substantial contribution to cover the loss (estimated to be $3.7 million in 1997-98).

Despite the subscription increase, the ongoing loss will still require substantial Government funding of approximately $3 million.

The new subscriptions are generally on a par with other funds offering ambulance cover. Many funds however, will cover only emergency patient transport and not elective patient transport.

SAAS expects that future increases in fees will generally be in line with CPI.

Ambulance fees and charges are governed by the Ambulance Services Act 1992 and already operate on a user-pays basis. Fees are a combination of a flat call-out charge and a per kilometre charge.

The Government and SAAS are aware that such a fee structure may cause financial difficulties for lower income and pensioner patients. Therefore, Government through its Community Service Obligation payments subsidises the transport fees for pensioners and indigent to the tune of approximately $6.5 million in 1997-98.

Pensioner patients are offered 50 per cent discounts on their ambulance fees and part payment arrangements can be made with SAAS. Recognising that the fees may discourage people from ambulance transport, SAAS encourages the public to join Ambulance Cover.

SA Ambulance Service points out that the reduction of funding is contained in the area of recurrent funding. In actual fact, the overall level of funding (including recurrent and capital) will increase from $17.784 million to $18.160 million.

It would be irresponsible to offer such a blanket guarantee at a time when other health insurers are changing their ambulance cover arrangements.

Every effort will be made to hold future variations within CPI.

HEALTH COMMISSION CONTRACTS

In reply to **Hon. CAROLYN PICKLES** (8 July).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that the honourable member should refer to the House of Assembly *Hansard* of the same day in which he informed the House that he had specifically insisted that the account in question be a private account. The account was rendered to him at his electorate office, and the account was personally paid by him. If the account was rendered to the Health Commission it was done so in error, not by the Minister.

TOTALIZATOR AGENCY BOARD

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the TAB.

Leave granted.

The Hon. NICK XENOPHON: A number of weeks ago the TAB announced a new facility for TAB punters—the TAB phone bet credit card transfer facility—whereby its customers can access money up to the limit of their credit card in order to place a bet. The promotional material sent out to publicise this new facility states:

> A TAB phone bet account is a quick, convenient way to enjoy the thrill of the race without racing to your TAB agency, but there's nothing worse than being caught short just as the gates are about to open or the ball's about to bounce. The new phone bet credit transfer system means that now you can transfer the funds quickly and easily from your credit card to your TAB phone bet account from any telephone.

The Gaming Machines Act has a provision prohibiting the provision of credit at venues because of the potential that this can cause or exacerbate problem gambling and gambling addiction. The Director of Centre Care, Catholic Community Services and Chair of the Gamblers Rehabilitation Fund, Mr Dale West, has condemned the TAB's new facility and has said that 'it will increase the level of problem gambling'. This has been supported by an expert on problem gambling, Dr John O'Connor, of the National Centre for Education and Training on Addiction, who has also stated that up to one-third of regular TAB punters are problem gamblers. My questions are:

1. Does the Minister accept the expert evidence that the TAB's phone bet credit card transfer facility will increase the level of problem gambling?

2. If the answer to the above question is in the negative, what expert evidence does the Minister rely on to support that view?

3. Given that the TAB does not currently provide any funding for gamblers' rehabilitation, will the Minister reconsider this lack of funding in light of the credit card betting facility and Dr John O'Connor's statements as to the level of problem gambling amongst regular TAB players?

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

SMALL BUSINESS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer a question about State Government support for new small businesses.

Leave granted.

The Hon. T.G. CAMERON: My office has recently been in contact with a fledgling South Australian small business that has been shabbily treated by the State Government. The company called Perspicacious was formed by three young South Australians, all under the age of 22, who have tapped into the growth market of filming the highs and lows of the final year of high school for Year 12 students. Perspicacious has had an outstanding reaction to its films. In just three years the three young men have grown their business to employ 50 school leavers as casuals and four full-time people. Its turnover has grown by more than 200 per cent and it is expected to gross $400 000 this financial year. Currently the business is based at the home of one of the directors, who still lives with his parents.

Perspicacious has recently spent considerable time chasing State Government assistance for advice, grants and office space, but did not even get past the interview stage. In fact, they were told to 'just go away'. The Victorian Government on the other hand has given them invaluable support. It has offered them tax benefits for employing young people, free WorkCover, office space and has even offered to pay their relocation costs to entice them to move to Melbourne. I know that Perspicacious is just a small company made up of young adults, but should not enterprise and hard work be rewarded? It seems likely that unless the Government acts quickly we will once again lose out to the Victorians. My questions to the Treasurer are:

1. Considering that South Australia has the highest youth unemployment rate of any State in the nation—38 per cent—and that every year hundreds, if not thousands, of our young people are forced to leave the State in order to gain employment, do you consider the treatment of these three enterprising young South Australians by the Business Centre to be satisfactory?

2. Will you order an immediate inquiry into why Perspicacious has received such little help from the Business Centre and will you now ensure that they are given every available assistance before it is too late?

3. Can you assure South Australian parents that all business proposals put to the Government will be given serious consideration and offered the best possible advice, no matter what age are the directors, or is the Government only interested in assisting those firms which happen to be multinational companies?

The Hon. R.I. LUCAS: I honestly know nothing about the details of this case concerning Perspicacious. It sounds as though it is a very active and innovative young group of people involved in a company which is obviously enjoying some success. If the honourable member is prepared to provide some detail of what it has done so far and what sort of response it has had, I would be happy to take up the issue as a matter of urgency with the responsible Minister, which I might indicate is not me as Treasurer, and see what assistance, if any, might be available and whether or not there has been a reason why it has not been able to attract any level of assistance from either the Business Centre or other arms of Government.

The Hon. T.G. Cameron: You will have it by 10 o'clock tomorrow.

The Hon. R.I. LUCAS: The honourable member has indicated that he will have something to me by 10 o'clock; I will be happy, as soon as I receive it, to make sure that the appropriate Minister and agency has it soon after that, and I will endeavour to get a response as soon as I can back to the honourable member and to the principals of Perspicacious.

GOVERNMENT CREDIT CARDS

In reply to **Hon. P. HOLLOWAY** (26 March).

The Hon. R.I. LUCAS: A limited number of unmarked Government purchase cards were issued to Government employees in the Department of the Premier and Cabinet, Department of Industry and Trade and the Adelaide Convention Centre.

Although the cards in question were unbranded, they were issued under the South Australian Government card program and were subject to the same audit and accountability conditions that apply to standard American Express Government purchase cards.

These cards were issued during 1997 on the authority of the Treasurer and the Assistant Under Treasurer (Financial Management). They were issued to enable holders to pay for goods and services which were acquired in the normal course of their duties.

Following a review of credit cards, the affected agencies have been advised that there is no longer any justification for the continued use of unbranded cards. The agencies have also been instructed that the cards in question are to be cancelled and standard Government branded American Express cards issued in their place.

INDUSTRY ASSISTANCE

In reply to **Hon. T.G. CAMERON** (26 May).

The Hon. R.I. LUCAS: The Minister for Industry, Trade and Tourism has provided the following information:

1. The South Australian Government believes that the Industry Commission Report is flawed in a number of respects. Specifically:

- The Industry Commission's estimate of assistance provided by the South Australian Government ($265.4 million) includes outlays in agriculture, mining, tourism, arts, environment and natural resources, and sport and racing, as well as manufacturing. Many of these outlays are tied not only to industry assistance objectives but also to social and environmental objectives. In some instances, the social and environmental objectives have primacy.
- While the Industry Commission focused on gathering data under various industry assistance programs, State Governments undertake a range of other activities (eg. provision of economic infrastructure and various goods and services to business) which are clearly influenced by industry and economic development objectives and designed to have beneficial effects on industry.
- The Industry Commission's estimate of pay roll tax exemptions ($274 million) includes revenues foregone through the use of pay roll tax thresholds. These are in large part intended to minimise the administrative and compliance costs associated with the pay roll tax system. Small businesses can be particularly sensitive to taxation compliance costs.
- The wide range of industry assistance available and the different methods of reporting expenditure in each State and Territory mean that interstate comparisons are highly misleading.
- The report seems to suggest that investment attraction incentives offered to interstate and overseas companies form the major component of industry assistance offered by the South Australian Government. This is not the case. In 1996-97, the Department of Industry and Trade provided financial assistance to 717 firms. Of these, 706 are based in South Australia. The balance of 11 are based outside of the State. In the same financial year the Department of Industry and Trade provided financial assistance to industry of $32.4 million from its major industry assistance programs; 65 per cent of this assistance was applied to firms based in South Australia. Add to this the range of 'industry assistance' provided by the former Departments of Primary Industries, Mines and Energy, Recreation and Sport, and Environment and Natural Resources, assistance to non-local firms can be seen as very much a minor component of the Government's economic development activity.

In summary, the Government believes that the Industry Commission's definition of industry assistance is too broad and imprecise, and that the estimates derived according to this definition do not provide a basis for drawing meaningful conclusions about the level of industry assistance provided by State and Territory Governments.

2. The South Australian Government will always consider proposals to improve economic outcomes. However, the Government will not agree to any proposal that it does not believe is in the best interests of South Australians.

3. No. This information is 'commercial-in-confidence'.

ADELAIDE CITY COUNCIL

In reply to **Hon. G. WEATHERILL** (2 June).

The Hon. R.I. LUCAS: The Premier has provided the following information:

I refer to the question from the honourable member which refers to the possible decline in income for Rundle Mall from $473 million to approximately $360 million over the next five years.

The report to which the honourable member refers investigated the likely impact of the closure of John Martins store and the retail turnover in Rundle Mall, so the projected decline is attributed solely to the closure of John Martins in Rundle Mall.

The report also suggests some strategies which could be investigated to counteract this loss. These focus on various potential niche markets including the over 50s and elderly, tourists and visitors, prestige and showcase goods, restaurants, office workers, tertiary students and ethnic groups. The report also suggests several non-retail strategies addressing the supply and cost of parking and linkages to city facilities, events and functions.

This issue highlights the importance of the joint efforts of the State Government and the Adelaide City Council to revitalise the city through the Capital City Development Program, which was recently announced.

HILLS TRANSPORT

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the cost of public transport servicing the Adelaide Hills region.

Leave granted.

The Hon. SANDRA KANCK: People living in the Adelaide Hills and travelling by public transport are the poor cousins of Adelaide's public transport users. An adult fare, for example, from Lobethal to Adelaide, costs $33.90 for a multi-trip ticket or $4.50 for a single trip, which means $9 a day return if they have not bought a multi-trip ticket. By comparison, the same tickets cost $19 and $2.80 respectively for Gawler to Adelaide. Add the cost of fares for a couple of school children to the weekly journey from Lobethal to Adelaide and the cost of getting two children and one adult to and from work and school balloons to $225.20 a month. This is a significant burden upon any family budget.

Most hills commuters also live with the inconvenience of no weekend service at all. Considering the fact that the Night Moves service is restricted to the Aldgate to Adelaide run it becomes apparent that a car is essential to enjoy freedom of movement to and from the Adelaide Hills. Yet despite the second rate public transport service provided to hills residents, most face metropolitan premiums for car registration. The current system squeezes hills residents in a pincer movement of discrimination. In September last year the Premier announced a review of public transport servicing the Adelaide Hills region: nine months later we have heard nothing. My questions are:

1. What is the status of the review promised by the Premier?

2. Does the Minister support the retention of the current public transport fare structure and the charging of metropolitan rates for motor vehicle registration for the Adelaide Hills area?

3. Given that a family of six wanting to purchase multi-trip tickets for a week's travel can spend up to $100, does the Minister support the introduction of EFTPOS facilities at the Passenger Transport Information Centre?

The Hon. DIANA LAIDLAW: I certainly like the last idea, and I will take it to the Passenger Transport Board and ask it to investigate it. EFTPOS facilities within the motor vehicle registration offices for use for some purposes have

proven very popular, and I will see what we can do to explore that further. In terms of the review the Premier referred to, it is in fact a review of the Passenger Transport Act which I, as Minister, was required to undertake this year, arising from a provision within the Passenger Transport Act.

I anticipate tabling that review of the Passenger Transport Act in Parliament next week. At the same time, I hope to be in a position, either then or a little later, to outline options that the Government is actively considering through the Passenger Transport Board to bring some equity and fairness to the situation of people living beyond Aldgate in terms of public transport fares. The honourable member referred to a second rate service. I think that that is probably a bit unjust on Hills Transit. As a joint public sector/private sector operator, the first of its type in Australia, it has been most innovative, and through a whole range of services it is providing an increased number of services that meet its customers needs and expectations. It is not Hills Transit's fault that this ticketing system applies: it is Government that is responsible, and this Government inherited that system from the former Labor Government. It has been an issue that has been around for a long time.

The Hon. A.J. Redford: Is this the Crouzet system?

The Hon. DIANA LAIDLAW: No, it is the fact that, in terms of the eastern region of Adelaide, the subsidised public transport fares finish at Aldgate and that beyond that it is a regional service, although it is still run under the banner of Hills Transit and is therefore a commercial service. I can present those options to Parliament either early next week or shortly thereafter to address the issues that I know are a problem. I cannot hold Hills Transit responsible for that. As a company, it has been urging change to this situation for a long time. However, it is a change that will cost a lot of money for taxpayers in terms of extending further the public transport subsidised fares.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: I understand the difficulties. There are anomalies; there are a whole range of difficulties. In terms of country people, I remember when I was in Opposition asking questions about this very same issue, because at that time—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I think we all have difficulties explaining what we inherited from Labor, but we are trying to work through it slowly and surely. As I said, it will be—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, we do not have the money to do everything that we would like to do when we would wish to do it, but this matter is being actively addressed and we will find that there are soon options which are being explored and which I can present to this Parliament.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I asked this question of the former Minister, Hon. Barbara Wiese, because I thought it should have been addressed. I am still keen for it to be addressed, but the trouble is that we just do not have the money to do it right now.

The Hon. T.G. Cameron: We should have a look at all your old questions.

The Hon. DIANA LAIDLAW: They were very relevant; I really had the Minister very troubled—and I was well informed. Essentially, I will have more information next week.

ADELAIDE AIRPORT

In reply to **Hon. CAROLYN PICKLES** (24 March).

The Hon. DIANA LAIDLAW: The honourable member will appreciate that the proposed Passenger Facility Charge (PFC) is not a matter for me or the State Government to determine. The sum will depend on the development of the detailed plans and costs for the new integrated terminal prepared by the consortium that has purchased the lease to the Adelaide Airport—and on the outcome of the consortium's discussions with the Australian Competition and Consumer Commission, which must approve the charge.

In the meantime, information from the consortium suggests the charge will be in the vicinity of $2. In this regard, the honourable member should bear firmly in mind that the consortium is fully committed to developing Adelaide Airport as a thriving commercial centre. It would hardly be compatible with that aim for the consortium to deter customers by raising charges unreasonably. In addition, the Commonwealth Government has set out to ensure that airport aeronautical charges, which are ultimately passed on to consumers as components of air fares, are reduced at Adelaide Airport by 4 per cent each year. Over the next 5 years that will result in a fall in aeronautical charges of 18.5 per cent.

MALE INFERTILITY

In reply to **Hon. SANDRA KANCK** (26 March).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. No. Simple studies which depend on historical recollection of the type of underwear worn, or which measure the effect of a change in underwear on fertility levels, disregard many important variables. Simple correlations are invalid scientific approaches to this issue. Changes in lifestyle should only be the subject of Government sponsorship when there is scientific proof of benefit.

2. The following details are provided in relation to funds spent on reproductive technology services at Flinders Medical Centre and The Queen Elizabeth Hospital during the last ten years—

State Monies

1997-98	$526 595 (budget)
1996-97	$517 927 (actual)
1995-96	$577 661 (actual)
1994-95	$524 941 (actual)
1993-94	$486 018 (actual)
1992-93	$607 713 (actual)
1991-92	$625 738 (actual)
1990-91	$581 298 (actual)
1989-90	$533 162 (actual)
1988-89	$440 880 (actual)

Money provided to the Flinders Medical Centre Reproductive Medicine Unit funds 1.5 FTE nursing staff and goods and services.

Money provided to The Queen Elizabeth Hospital funds staff costs, clinical and laboratory expenses and goods and services.

Other expenses

- Out of pocket expenses to the public have remained consistent, and, in fact have been reduced in the last two years. This is due to the Units absorbing a 10 per cent reduction in Medicare rebates. This figure varies from $65 to $2 000 depending on the type of treatment received and represents the gap between the Unit charges and the Medicare rebate.
- Clients with private health insurance may claim from $20.00 to $100.00 depending on the type of treatment received.
- Medicare rebates range from $20 to $1 440 depending on the type of treatment received.
- There are no figures available on private sector spending.

3. The South Australian Council on Reproductive Technology has limited funds for research. A study to determine the potential benefit of preventative health care measures on male infertility would require many thousands of couples recruited prospectively for a series of randomised controlled trials over at least five years. The resources required for these studies are beyond the capacity of the South Australian Council on Reproductive Technology and are more appropriately the role of larger bodies with whom Council advocates such as the National Health and Medical Research Council and the Universities. However, the Council recognises and promotes research projects. Council particularly encourages research into social issues and has recently provided support to a university student to conduct research into the emotional reaction experienced by those facing fertility treatment.

4. The South Australian Council of Reproductive Technology researches and monitors studies, reviews and other published works

undertaken in the area of reproductive technology. Members are also provided with collated media reports, newsletters from advocacy groups and Medline search reports as well as extracts from peer reviewed medical and scientific journals.

Dr Ford's work has not officially been brought to the attention of the South Australian Council on Reproductive Technology, however, individual members are aware of her research. The regular review of Medline's data base revealed that Dr Ford has not published any original work since 1995. Dr Ford's previous work has been in the area of chromosome analysis and she has not published any work relating to epidemiology or clinical interventions. As already stated, studies relating to male infertility are difficult and much has been written about such trials.

5. The questions put to couples include those questions which are necessarily directed to satisfying the Reproductive Technology Act 1988 and its associated regulations. All couples attending fertility clinics undertake a complete history and examination. Specifically in relation to the question of environmental factors which might have a bearing on male infertility, details are taken about childhood illnesses, descent of testes, time of onset of puberty, genital surgery and sexually transmitted infection. Specific occupational information is collected to elucidate exposure to extreme heat, to radiation or potential environmental toxins etc. Previous medical history would include questioning about chemotherapy, irradiation, drugs known to effect sperm production and medical illnesses related to male infertility, in particular bronchiectasis, sinusitis, cystic fibrosis and ulcerative colitis. The history would also include coital frequency, difficulties with intercourse and enquiries about the adequacy of collection of previous semen samples (precollection abstinence, method of collection, use of lubricants etc). A social history would include the use of cigarettes, alcohol, and unprescribed drugs.

LASER POINTERS

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General a question about laser pointers

Leave granted.

The Hon. CARMEL ZOLLO: A constituent who had an adverse experience involving laser pointers has raised the safety of such devices with me. Whilst I acknowledge at the outset that in the right hands there is a practical and legitimate use for these devices, reports of misuse and recklessness are increasing. The constituent was driving home during the evening when a laser pointer was shone into his vehicle and onto the rear-view mirror. The incident left my constituent quite distressed, and he described the feeling of being targeted. We are all too often reminded of the spiralling road toll tragedy and that it requires only a momentary distraction to cause grief on the road. Fortunately, no accident arose from this particular incident.

This is not an isolated incident. Laser pointers have been reported to have interfered with sporting events, and the *Police Journal* reports that a New Zealand officer received eye damage when a laser pointer was shone into her eyes. My attention was subsequently drawn to comments expressed by the Attorney-General in the *Advertiser* recently. The Attorney told journalists at the time that he felt that existing laws were adequate and that errant use of the lasers could be prevented through charges of possession of an offensive weapon, hindering police, common assault, or creating danger under the Road Traffic Act. Last week in the Adelaide Magistrates Court, prosecutors withdrew charges against a man who used a laser pointer device at a nightclub. Whilst not wishing to comment on the case directly, it does send mixed signals on the use of laser pointers in a mischievous manner. I understand that the South Australian police and the Radiation Protection Authority of the South Australian Health Commission have made separate submissions recently in relation to laser pointers but that these have not been acted upon.

Can the Attorney-General identify how many people have been charged in connection with the misuse of laser pointers in the years 1996 and 1997 and to date in 1998? How many people, if any, were subsequently successfully prosecuted under existing laws, and what were those laws? Given the concerns expressed by the police and others in the community, will the Attorney-General reconsider pursuing legislative or other action to restrict the use of laser pointers to legitimate purposes?

The Hon. K.T. GRIFFIN: I am not aware of whether or not there are statistics in relation to charges for possession of a laser pointer without lawful excuse. I doubt whether the information is available without a manual search of thousands of dockets, but I will make some inquiries to see whether that information is readily available and, if it is, I will bring back a reply. In relation to laser pointers, there have been several cases in relation to that. There was one earlier this year, in about April, where a pharmacist's assistant with no previous convictions purchased a laser pointer and took it to a nightclub. Police observed a red laser dot on various patrons on the dance floor and, eventually, the laser was traced back to the defendant, where it is alleged, according to the police apprehension report, that she agreed that she may have shone the light on some of the patrons at the nightclub and agreed that there was a warning on the laser device which stated that the device may cause eye damage.

It was not clear what class of laser the defendant was carrying. The defendant had stated to police that she was aware that eye damage may result, because she was merely repeating a warning label attached to the pointer when she purchased it and, in that case, there was no evidence of the class of this particular laser pointer. The magistrate had made some comment that he thought this was a minor breach of the section and recorded no conviction and imposed no penalty. The defendant was ordered to pay costs and the laser pointer was returned to the defendant; so, it was not confiscated.

There is another case which has been brought to my attention, particularly in relation to the newspaper report. The information I have is that one of the issues is the nature of the laser pointer. In relation to that case there was no evidence on the nature of the laser and no expert evidence that it would in fact cause damage. Quite obviously, if a person is shining the laser into the light of an oncoming motorist, an offence is likely to be committed. It is a matter of proof of the behaviour which occurred. For example, if there was the shining of a laser into the eyes of an AFL umpire, it may constitute disorderly behaviour and, in a number of other circumstances, already offences are provided for in the law. The difficulty with all these sorts of cases is proving that a laser is an offensive weapon and that there is not a lawful excuse for carrying a laser.

If one were to ban all laser pointers, which might be used as a weapon, it would mean that business people, presenters at conferences, would be prohibited from using them. The honourable member would know that they are frequently used at presentations as an effective way of pointing out features of a particular slide or other display. It is a bit like knives: how do you define a knife which should be banned? If you ban all knives, as the Leader of the Opposition in another place wanted to do on previous occasions, it means that anyone can be picked up for carrying even a pocket knife or maybe a Swiss army knife, even when carried without causing any offence to anyone. What has happened in New South Wales with its most recent legislation is that it has reversed the onus so that anyone can be stopped and, if they

are carrying a knife, the onus is on them to demonstrate that it is not being carried for an unlawful purpose.

I have taken the view in relation to the New South Wales legislation that, whilst it is a matter for the New South Wales Parliament as to what it does, it is over the top. I am sure no honourable member in this Chamber and hopefully in the other Chamber—even the Leader of the Opposition in another place—would want to go so far as to make it possible for every law abiding citizen who might carry a pocket knife to be effectively made a criminal unless that person is able to prove that there was not an unlawful purpose for which the knife was being carried. From my point of view, I carry a pocket knife for gardening and other purposes—

Members interjecting:

The Hon. K.T. GRIFFIN: It could be a variety of reasons. If one went around the Chamber, one might find a variety of quite lawful uses for which members may carry or from time to time use knives. There are real difficulties in how you deal with laser pointers.

Members interjecting:

The Hon. K.T. GRIFFIN: No, it is the Labor Party in the factions. Look at what happened to poor Mr Jeff Shaw in New South Wales, a very competent Attorney-General. He was relegated by his faction to an unwinnable position.

Members interjecting:

The PRESIDENT: Order! Question Time has dragged on for a long time. Can the Minister get back to his reply?

The Hon. K.T. GRIFFIN: I should not have responded to the interjection. In conclusion, the issue is not as simple as it might be portrayed. This is the balance that one has to achieve in passing legislation which either gives police more power or which bans something which might have perfectly legitimate and lawful uses. The problem in any debate about this is where you create the balance and how you achieve it. In my view the legislation in South Australia does create a proper balance. In my view, in relation to laser pointers, there are offences already for which charges can be laid. It depends upon the circumstances of each and every case.

SELECT COMMITTEE ON THE PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENTS, ETC.) AMENDMENT BILL AND COVERAGE OF THE PRINCIPAL ACT

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That the time for bringing up the report of the select committee be extended until Tuesday 18 August 1998.

Motion carried.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 858.)

The Hon. R.R. ROBERTS: I oppose this measure, which has once again been proposed by the Hon. Mr Griffin on behalf of the Government. I do not know whether this is a well held Liberal Party philosophy or whether it is just something that the Attorney has a particular interest in. In one sense, it is a bit superfluous now to talk about this because I think it will be dispatched to the same rubbish bin to which it was dispatched last time and, in my view, rightly so.

The Hon. Sandra Kanck interjecting:

The Hon. R.R. ROBERTS: The Deputy Leader of the Democrats makes a valid point: it should go to the recycling bin because, in fact, the Attorney-General keeps trying to recycle the proposal. He reminds me of the ant trying to pull down the rubber tree plant, but I do not think it will ever happen. Neither it should. Let us look at how this matter got here on this occasion. To do that we have to go back to Tuesday 24 February, when the Hon. Julian Stefani, doubtless doing his duty and asking a dorothy dixer, questioned the Attorney about the results of last year's election. He asked how many people voted and found out that about 42 000 'please explain' notices were sent out, which compared with 33 000 notices following the 1993 election. This just goes to show how confident the people of South Australia were in the Liberal Government when a quarter fewer people did not vote in the last election as voted in the previous election. On 17 March the Attorney-General answered the Hon. Julian Stefani's questions in more detail and outlined some of the costs to the Electoral Office in the 1997 elections. The follow-up of non-voters cost $155 000, comprised of $52 000 on postage, telephone $5 000, casual salaries and wages $55 000 and permanent staff salary apportionment $43 000. He also said:

> At this time it is anticipated 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 the 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. . .

So, within two months the interest has gone up from $17, that is, a $10 fine and $7 dollars to the criminal injuries fund. I do not know how it involves a criminal injuries fund when one has not voted; I do not know what the connection there is. He continues:

> Enforcement orders will then be issued, if appropriate, during May 1998.

If one follows that through, one sees that it goes up to $147 for not voting. When members read the Attorney-General's contribution of Thursday, 4 June, when he reintroduced the Bill, one sees in his second reading speech that he undertook what is becoming, now, the focus of attention, especially in the Lower House. In his contribution, dare I say it, he misled most members. I think this was to colour our thinking and to try to force us to do something in which we fundamentally do not believe. In his contribution on page 857, he says:

> The right to vote is a precious right and is the basis of any society to be democratic. In many large democracies such as the United States of America, the United Kingdom, France, Germany and Canada, and in smaller democracies such as New Zealand, the right to vote has been accompanied by a freedom to choose whether or not to exercise that right by attending at a polling booth, obtaining a voting paper, marking it and placing it in the ballot box. In countries like India there is no compulsion to vote. In the Philippines, when voting on a new Constitution, voting was not compulsory nor was voting compulsory in their recent presidential elections. The emerging democracies of Eastern Europe also provide for voluntary voting.

He went on to say:

> In South Australia, voting has been compulsory for over 50 years.

The Attorney-General knows, quite clearly, that that is not true. He continued:

> Australia and the Australian States are in a small minority of Western democracies where compulsory voting is the law. Countries that have some form of compulsory voting include. . .

And he listed a number of other countries. My colleague, the Hon. Carmel Zollo, in her contribution declared that some 27 countries in the world have compulsory voting. I remember quite clearly the howls of derision from members opposite to our point of view, and the Hon. Legh Davis, in particular, saying that that was not true. In her usual diligent way, my colleague has carried out some research through the Library, and we find out the official figure which can be deduced is that there are, in fact, 37 countries in the world with which we have some connection and which have either total compulsory voting or a form of compulsory voting. That, again, puts aside one of the criticisms.

Right throughout the Attorney-General's contribution members see this movement between the right to vote and the right to register. Most persons know that it is a fallacy that in South Australia voting has been compulsory for over 50 years. One has the right voluntarily to register to be eligible to vote. One then has a responsibility, and I think a proper responsibility in any democracy, as in many other pursuits in which the community becomes involved: in a democracy, one has not just a right but also a responsibility. One is as important as the other.

Those people who turn up at a polling booth are not forced to go in to cast a vote. Once every three or four years, as a citizen of this State, with all the other rights which go with being a citizen, they are expected to turn up at a delegated polling booth to register that they have exercised their responsibility to report to vote. They are then issued with voting slips to do with what they wish. The fallacy that it is a compulsory vote is clearly identified as just that—a fallacy. I think it is about time that the Liberal Party and the Attorney-General as its representative in this place promoting its point of view came to terms with the fact that compulsory registration on polling day at a polling booth is a right and a responsibility that we all have.

Members opposite always claim that in a true democracy the right to vote also should extend to the right not to vote. Well, in this country one has that right: one has that right when one determines whether to be registered on the roll as a voter. Having taken that first step voluntarily, one then has a responsibility, as indeed we do in other pursuits. Many people do not like wearing seat belts, but they do not bypass that responsibility by saying, 'I did not want to do it.' When someone is caught not wearing a seat belt, the Attorney-General does not say, 'Well, the fine is not all that great, anyway. We will just let it go by; we will let it run through to the keeper.'

If the Attorney-General thinks that the expiation notice is not high enough at $10—he is not backward in grabbing an extra $7 for the criminal injuries fund—the remedy is in his hands. He is in government. At almost every meeting, the Legislative Review Committee has put through it regulations increasing the costs and fines—and the Government has that capacity there.

There is another deception because most members opposite talk about the expiation fee in their contribution. They do not talk about the follow-ups: $47 within two months, and $147, and nor does it say that proceedings can be taken out before the courts. Again, it is an argument of convenience on philosophical grounds. While members opposite deny it vehemently, the Attorney-General on 4 June in his contribution did in fact say that the argument used by those opposed to voluntary voting was that it favoured the Liberal Party. He said:

> This is an emotive, self-protective reaction with no substance. One has only to look at the experience in overseas countries with voluntary voting where Labor or Socialist parties win and lose, as do Liberals or Conservatives. When the Government of the day, of whatever political persuasion, is out of favour the people will defeat it.

That may well be true, but in those countries, when there is discontent, on most occasions it is only the zealots who vote. Those who feel greatly disadvantaged will always vote. There are three reasons why people vote: first, if they think they will get something out of it; secondly, if they think it will cost them something; or, thirdly, if they hate you. If they hate you, they will be there early in the morning—before 8 o'clock. Where the responsibility to register occurs, many more people actually vote because they have taken the trouble to register so that they take advantage of the opportunity to vote.

In many countries, bad Governments are elected by good people who fail to vote. They are not bad people: many times they are disgusted and they fail to vote. People are elected to office, and to substantial offices, on a voluntary vote and, in many cases, they can get elected on about 32 per cent of the total eligible vote. In fact, it can be even lower than that.

When in London on a CPA trip, I had the opportunity to talk to a colleague from New Zealand who explained to me that he was an electorate member. Most members would be aware that New Zealand has a two-tiered system. There are list members who are elected on proportional representation, and electorate members who are elected in their own right. They have a first-past-the-post system. This person was proud to tell me that he was an elected member. Upon quizzing him, he advised me that in the first-past-the-post system he received 32 per cent of the vote. That was 32 per cent not of the total vote but of the number of people who voted, which was 83 per cent, a very good turnout for New Zealand. By any measure, 68 per cent of the people who took the trouble to vote on that day did not support the member who was eventually elected.

We can talk about configurations in voting and different systems of voting, whether it be voluntary or compulsory registration, and provide all sorts of examples. I am sure that members on the opposite side could support with facts and statistics arguments in favour of voluntary voting, but at the end of the day one thing is very clear in Australia. At a recent CPA function that I attended, there was much discussion on voting systems and, almost universally, people with whom I engaged in conversation—or, more importantly, who engaged me in conversation—said, 'We wish that we had the voting system that Australia embraces; we would be much happier, because it is fairer.'

I think we have the best system, even if it is only the best of a bad lot. It may not be the ultimate system because I do not think that one exists. It is the nature of human beings, number crunchers and political apparatchiks, whatever system exists, someone will work the system to their best advantage. That sort of thing will always occur, but it is clear to me that if we allow people the choice to have their name on an electoral roll and give them the right to vote, they will voluntarily take the responsibility to participate in community activities.

There can be no stronger community activity or responsibility than voting for the people who are charged with making the decisions. Not too many members of Parliament forget their responsibility when an elector comes to them with a

problem because, whether or not they agree with an elector, they know that once every three or four years that person will have the opportunity to cast their vote—and there is a strong likelihood that they will vote. That is another reason why members must maintain their honesty and integrity towards their electorate.

This is not the best system in the world, as I am sure some people will say, but I believe it is the best system that I have encountered in my short oversight of the political processes. I think it is about time this Government got on with the job of governing South Australia. We have bigger fish to fry. I refer to matters such as ETSA and the Motor Accident Commission where the rights and benefits of the people of South Australia are being taken away. We should concentrate on those matters and not fiddle with this system on ideological grounds or to try to gain an electoral advantage.

The truth is that this Government has been elected for the next four years. Unless it does something reprehensible and is thrown out of office—and that is a possibility—the most likely outcome is that we will be here for the next four years. So, it is imperative that this Government focus on the issues that affect ordinary South Australians and not tinker with the political system to try to gain an advantage at the next election.

Some interesting things will face the Liberal Party at the next election. When one looks at the pendulum of sitting seats, it is interesting to note that the new Deputy Leader of the Government is occupying a 52 per cent seat. I was involved in the last two campaigns in the electorate of Frome. In the 1993 election, the Labor Party had the second lowest swing in the State. In fact, it was the lowest swing in the State if we exclude the electorate of Gordon, which went from 79 per cent to about 78.8 per cent in favour of the Liberal Party. In the seats where big swings took place, Frome experienced one of the smallest swings. The Liberals received a little bit of an advantage out of the redistribution. Because they had done so well overall, there was a bit of a boost in Frome, but in the last election when we were not expected to do any good at all, we ripped that down again to 52 per cent.

Mr Ivan Venning MP was the original Liberal representative in that area. He served with some distinction until the redistribution took place and there was a 52 or 53 per cent swing. When Mr Venning learnt that the candidate for the Australian Labor Party was the deputy mayor, a highly respected and proficient member of the community, he decided that he would take a shot at Schubert, which at that stage was about 70-odd per cent. I note from the graph that it is now about 65 per cent.

Mr Venning has often been quoted as expressing a desire to once again represent Frome. We now have a situation where the Deputy Leader is looking down the barrel at 52 per cent and the Government is reeling from one crisis to another. Members opposite have more bumps on their head than all the children in kindergartens in Australia. This Government is gradually winding down or closing down Government services in places such as Crystal Brook and Port Pirie, and we have an election coming up. Given that the Nationals have now targeted Hammond and Schubert and given what happened in the Riverland with Mrs Karlene Maywald taking seats from them, and with Pauline Hanson being out there, it will be fascinating to see what happens.

I bet that some interesting contributions are being made in respect of the redistribution of boundaries. Will they let Ivan come back and face the 52 per cent and tuck away my good friend and colleague, the Hon. Rob Kerin, in Schubert? Methinks they may well do that, but it will be fascinating.

If the Hon. Rob Kerin were to go to Schubert, he would probably hold that seat because there is no question that he has great credibility amongst the farming community, as indeed does my other good friend, Mr Ivan Venning. He is well respected and well loved in and around Crystal Brook and Port Pirie. More interestingly, I am told that he still controls the electoral colleges in the Crystal Brook area. He comes from a very big family who are all vitally interested in the Liberal Party. So, it will be a fascinating—

The Hon. R.D. LAWSON: I rise on a point of order, Mr Acting President. You would be very familiar with the strictures of Standing Order 186, which deals with matters of relevance, prolixity and tedious repetition. The matter now being addressed by the honourable member has absolutely nothing to do with the Electoral (Abolition of Compulsory Voting) Amendment Bill. I ask you, Sir, to draw the honourable member's attention to Standing Order 186.

The ACTING PRESIDENT (Hon. T. Crothers): I draw the honourable member's attention to the substance of the Bill. Whilst the Chair generally allows members' remarks to range widely, I ask the honourable member not to stray so far from the substance of the Bill.

The Hon. R.R. ROBERTS: Thank you, Mr Acting President, for your kind advice. I was just developing my point and was about to come to that point. As I am sure my learned friend and QC the honourable Junior Minister would understand, sometimes one has to build one's argument. It really will not matter whether those electoral colleges have voluntary voting or those electors have voluntary or compulsory voting. What will happen is expedient number crunching over who can best win. The Junior Minister has just chided me on taking up the time of this august place.

The ACTING PRESIDENT: Order! The Junior Minister did not chide you: he took a point of order. I chided you.

The Hon. R.R. ROBERTS: In cooperation with the Junior Minister, you have chided me with some allegations that I was wasting time, but I have now comprehensively explained to the Council that I was developing a particular point. In concluding my contribution to this debate I would just say that, if members opposite and the Government are interested in not wasting the time of this august Chamber, they should desist from putting up this stupid motion every five minutes. If they want to debate a whole range of things, such as the abolition of the Legislative Council, that would be a good debate. Plenty of members and plenty of scribes agree. Indeed, we have had a number of contributions from such notaries as Greg Kelton and Jeff Turner.

Jeff Turner was a little out of date when he was talking about the Legislative Council. Here, under the title 'Voluntary voting or compulsory voting: what would be the numbers?', Jeff Turner's contribution made on 28 May shows just how astute he was in his understanding of the Legislative Council. His article is illustrated by a photograph of the Legislative Council which shows throngs of people. Whether or not they had to vote, any elector looking at that would think there was a cast of thousands there, when in fact it was a joint sitting. It was obviously Opening Day and, for the interest of the historians here, it shows that the Leader of the Government then was Dean Brown. Mr Acting President, you may well ask, 'Dean who?' It was Dean Brown and Stephen Baker. So, I have discounted Jeff Turner's contribution.

I am happy to have a discussion at any time about the future of the Legislative Council and the nature of the Lower House. I would like to consider what could happen with voluntary voting if indeed we got rid of the Legislative Council and introduced a scheme of multi-member Lower House seats. I fully support a debate along those lines. I think for those people in country South Australia where the Liberals hold supreme (and treat them with ignore, I might add) would welcome some sensible debate from the Liberals on matters political. In fact, in country areas the Labor Party overall would probably get about 40 per cent of the vote and get one out of 10 elected. I think could have a sensible debate; that would be something worthwhile that the Liberals could do to raise that sort of debate. I would be in there, boots and all, happy to support a discussion on that but, as are most people in South Australia, I am sick and tired of listening to this misguided debate and these assertions that we have compulsory voting in South Australia when that is clearly not the case. I am sick of it and the people of sick of it. This motion ought to be dispatched as quickly as possible. I hope that, in one sense, mine is the last contribution before we dispatch this off to the rubbish bin.

The Hon. J.F. STEFANI secured the adjournment of the debate.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 983.)

The Hon. CARMEL ZOLLO: This Bill forms part of the Government's appropriation and, as such, Labor will support the Government's right to supply. However, I wish to raise the inequity and severity of the burden that this Bill causes through increased costs to ordinary South Australians. The Bill deals with the annual stamp duty fee levied on compulsory third party insurance premiums and increases the percentage of stamp duty levied on general insurance from 8 per cent to 11 per cent. This will lead to further hardship for those South Australians who can least afford it. The 'wallets on wheels mentality', as the RAA has called it, is simply unacceptable.

Motorists bear a significant proportion of this year's State budget revenue increases. South Australian motorists will have their annual duty increased to $60 per annum. This is increasingly making owning and running a car a costly extravagance. This is a huge increase of $45 per annum. Coupled with the increases to administration, drivers licence and registration fees, this unfair tax hits those in the community who can least afford it. Members on this side of the Council are also concerned that the system further penalises individuals who can afford to renew their licences and registration only for the minimum period. Those who cannot pay up front for the maximum period of registration and licences are charged extra administration fees.

This Bill also hurts an important South Australian industry—the taxi industry. It hits South Australian taxi drivers twice. First, taxi drivers will suffer the same impost increase as all South Australian families and, secondly, taxi drivers have been targeted and will suffer what can only be described is a massive increase in fees to their small businesses. Taxi drivers have been singled out for a tax rise of around $1 000 on their motor registration compulsory third party fees. This is a gigantic increase of over 100 per cent, presented without consultation with the industry that it affects. Inevitably, this will be passed on to the consumer through higher tariffs in the future. Yet again, ordinary South Australians will carry the load of these price hikes, just as those who use public transport have been hit with about a 7 per cent rise in ticket prices.

The increase to the percentage of duty on general assurance also shatters the image of South Australia as a low tax State. This rate places South Australia as the second highest in the nation—hardly the sort of thing you do when you are trying to promote economic growth. This Government has failed to assist the State economy to grow substantially and thereby increase State revenue through increased economic activity. Instead, this Government has chosen to tax ordinary South Australians heavily.

As pointed out by my colleague in another place, the member for Hart and shadow Treasurer, Kevin Foley, I also want to place on record the recognition of the growing inequity caused by insufficient Federal funds to the States. It must also be pointed out that regardless of the current GST debate this tax inequity must be addressed in the future. In particular we need to allow a fairer broadening of the South Australian taxation base in order to prevent disproportionate increases in such a narrow area as we see in this Bill. The stamp duty rises are a regressive and painful tax. Whilst the Labor Opposition will allow the Government to raise the revenue required, the Government must stand by its decision when it next faces the electorate. At that time I am sure that Labor will remind it of these and other increases.

The Hon. P. HOLLOWAY: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R.I. LUCAS (Treasurer): I thank the Hon. Carmel Zollo for her contribution to the debate. There will be an opportunity, I suspect during the debate on the Appropriation Bill, to respond in more general terms to the dilemmas, as I have indicated previously, which confront Governments in trying to provide the level of services that the community demands and, indeed, which political Parties, such as the Labor Party, demand for the community in South Australia.

As I have pointed out in the budget speech and will repeat in my reply to the Appropriation debate, I think that these Bills and some of the others place the Labor Party in a difficult position. I acknowledge that the Hon. Carmel Zollo, on behalf of the Labor Party, has opposed these measures believing that they should not have been inflicted upon the taxpayers of South Australia. On the other hand, I hear her on a daily basis asking questions of the Minister for Disability Services, and there are not too many times when she is not putting a question to the Hon. Robert Lawson seeking further assistance for people with a disability in the community; and I know there are other issues that she has raised in her short time with us here in the Parliament.

The brutal reality of running State Governments—and it is a bit like running any business—is that you cannot spend money on worthy programs such as disability programs unless you get it from somewhere. It is always easy to say, 'We want more money for this and that.' It is even easier to oppose Government attempts to cut back expenditure through the closure of schools such as the Croydon Primary School and others, and it is very easy to oppose increases in taxes and revenue that the Government has imposed in an endea-

vour to maintain a quality level in public service programs in South Australia.

As I said, I do not intend to go over all these issues again in the replies to debates on each of these separate Bills that relate to the budget. I will speak in a bit more detail about what I see as the hypocrisy of the position put by Mike Rann and Kevin Foley. I do not direct personal criticism towards the Hon. Carmel Zollo as a new member of the Caucus and the Labor Opposition. However, ultimately I think the folly of the position that the leadership of the Labor Party has put down has left all Labor members exposed to the criticism that it is fine to oppose everything, but in the end, one day, they will have to face up to being in Government again in South Australia. Whether that is in the lifetime of the current members or after will be an issue for the people of South Australia.

Members interjecting:

The Hon. R.I. LUCAS: I have been very critical of the Australian Democrats on some issues but at least on the issue of tax increases I give credit where credit is due. The Democrats will complain with the Labor Party about our expenditure cuts, the closure of the Croydon Primary School, and those sorts of things, and it will seek more money to be spent on public services in a whole variety of areas, but at least the Democrats do indicate a willingness to say that Governments have to raise money occasionally by lifting taxation levels. I hope that at some stage in the future, if we are in Opposition, we will not take the position of opposing everything.

The Hon. Carolyn Pickles: We are not opposing this.

The Hon. R.I. LUCAS: I can provide a whole range of copies of Labor Party members' brochures and newsletters that have gone out to the electorate attacking the Liberal Government for the increases in stamp duties. Indeed, I think one Labor member of this Chamber has produced a leaflet on the issue of the cumulative effect of the tax increases on—

The Hon. P. Holloway: They are savage, absolutely savage.

The Hon. R.I. LUCAS: The Hon. Mr Holloway says they are savage, yet he is saying that he is supporting them. I'm not sure—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: He's not voting against it but he's not supporting it. I'm not sure what that means, Mr Acting President. It is clear that the Labor Party is putting a policy prescription down which says that it believes that in government it could solve the problems of the State without tax and revenue increases of the type and nature that this Government—

The Hon. P. Holloway: Of that nature, yes.

The Hon. R.I. LUCAS: Of that nature. So we at least have got Mr Holloway to indicate that that is true. We will return, as I said, in greater detail to this sort of debate on the Appropriation Bill: I think it is more appropriate there. I will not repeat this debate for each of the individual tax Bills. I look forward to the early passage of this legislation.

Bill read a second time and taken through its remaining stages.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1015.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I rise to make some comments about the 1998 budget, specifically in my shadow portfolio areas of Transport, the Arts and the Status of Women. First, I reiterate the comments of some of my colleagues about the State's financial situation. The October election last year proved one thing: the voters are not buying the lines and the lies this Government is trying to sell us. The Premier told us that we had to privatise our water. The election result proved that the public do not believe that. The Premier kept telling us that his Party are better managers of the economy; clearly, the public did not buy that either. The Premier told us that the problems of disunity within his own Party were over. It is amply clear that the voters knew that this was untrue. The quite shameful events of today in another place show that disunity in the Liberal Party is still rampant. The biggest untruth of all was that the economy was back on track, that all our problems were behind us and that we would even have budget surpluses. This budget proved that assertion to be a fairytale.

This Government has been deceiving South Australians about the state of South Australia's finances, about its intention to cut further essential services such as hospitals and schools, about the plans of the Olsen Liberals to slug ordinary South Australians with higher and higher taxes and charges and about the Olsen Government's promises of more jobs and growth. Before the election the Premier promised that the budget was on track, that cuts to services were over and that there would be no rise in the overall tax burden. Yet this budget places an additional tax, fees and fines burden on each South Australian family of about $400. Then on 17 February the Premier told South Australians that we had to sell ETSA and Optima to provide more services and to reduce taxes. The 1998-99 budget was brought down with more cuts and horrendous tax increases before Parliament even had a chance to vote for or against the sale. So much for there being any trade-off between higher taxes and fewer services on the one hand and continued South Australian ownership of ETSA on the other. Now, the story is that, unless we sell ETSA, ordinary South Australians will be hit with even higher taxes and more savage service cuts in a mini budget some time later this year. That is years before any ETSA sale proceeds would or could be available to Treasury anyway.

This budget reveals itself to be a multi million dollar tax grab, especially in the transport area. Public transport fares have risen by 7 per cent on average—up to $100 annually for most commuters. This will have a disastrous effect on patronage levels, which have been declining since this Government came to power and since the Minister has presided over the transport portfolio. The Minister says—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: The Minister says that she is trying to encourage people to use public transport, but these fare increases, way above the rate of inflation, only make it more expensive for people to catch a bus, train or tram. The situation for motorists is also bleak, and the annual stamp duty payable on certificate of compulsory third party insurance will increase by 400 per cent from $15 to $60. This move alone will raise a total of $31.6 million in 1998-99. The Government intends to slug motorists further, with plans to introduce an extra 18 speed cameras in the next 12 months. To top it all off, it will even cost more to catch a taxi. At least the Government has not thought of a way to tax walking, but I am sure that by this time next year it will think of something to do that to walkers to the city. All those measures add up to an unashamed grab for revenue at great cost to the

community. The Minister's priorities should be on reducing the road toll, encouraging the use of public transport and improving black spot areas—not on loading up Treasury's coffers.

In arts, I acknowledge that funding has been relatively maintained and that most organisations are pleased with their allocations this year; but the Minister's actions today regarding Ms Tankard's contract as Artistic Director with the ADT simply overshadows any goodwill flowing from the budget. The Minister's rather venomous outburst this afternoon shows that she is not really concerned that Ms Tankard will be lost to South Australia and Australia for all time. The Minister's actions have been actually more damaging to the South Australian arts community than if she had cut the budget substantially. In terms of budget presentation, the change this year to accrual accounting means the budget papers are almost impossible to understand.

The Hon. Diana Laidlaw: They would be for you.

The Hon. CAROLYN PICKLES: I do not normally reveal private conversations, but I think that you have difficulty understanding the budget papers.

The Hon. Diana Laidlaw: No.

The Hon. CAROLYN PICKLES: Are you telling yet more lies in this place?

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Leader of the Opposition will return to the debate.

The Hon. CAROLYN PICKLES: It is very interesting, but I said to the Minister that the budget papers were a bit like comparing apples with oranges, and I think she made the comment that it was a bit like comparing apples with cabbages. It is very difficult to find details of particular organisations in the budget papers. For instance, in the arts area nowhere was there any indication of the size of the grant to the State Library and how much the allocation had changed from the year before. In an era of supposedly increased accountability, when we were assured the budget papers would be transparent, they appear to be quite difficult to present. One of the things that we have to do is ensure that even the average person in the street can find out exactly how much the Government is spending in various areas. To alleviate some of the problems, the Minister promised that she would provide written answers to questions that had been asked in Estimates Committees by members in another place. Most of those members have complained to me that they are still waiting for those answers. So much for open and honest government. Perhaps the Minister might like to check through some of the questions asked during the Estimates Committees and ensure that members in the House of Assembly who asked questions and for whom the Minister had promised to bring back a reply do get a reply. The Minister is nodding—

The Hon. Diana Laidlaw: I thought I had replied to them all; I will attend to that.

The Hon. CAROLYN PICKLES: It is very tardy, and I think that in the interests of open government we should do that. I believe that South Australians will be far worse off, particularly in the area of public transport, with this budget. I expect that the Government will have a serious problem at the next election if it continues on this path of slugging the commuters and people who use road and rail services. Despite these comments, I will support the Appropriation Bill, because that is the usual practice.

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

BARLEY MARKETING (DE-REGULATION OF STOCKFEED BARLEY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1022.)

The Hon. P. HOLLOWAY: The Opposition supports this measure. This is the second time this year that the Council is debating amendments to the Barley Marketing Act and, indeed, a third Bill is now before the House of Assembly. It is also likely that further amendments to the Barley Marketing Act will be made later this year or early next year. These Bills are all a result of the application of national competition policy to the barley industry. In a previous speech earlier this year I criticised a number of aspects of that process. The Government appointed consultants to do a review of the Barley Marketing Act. That was the Government's interpretation of the way that national competition policy should be applied under the competition agreement.

As a result of the consultant's report a number of recommendations were made and I would like to outline what they were. They were summarised in the budget statement this year. As a result of the review, it recommended deregulation of the domestic market for feed barley in South Australia and Victoria, which is the measure contained in the Bill before us today. It also recommended deregulation of the domestic market for malting barley in South Australia and Victoria. It recommended retention of the single desk for export barley sales for the shortest practicable transition period while new marketing arrangements are made. It also recommended deregulation of the oats market in South Australia. Of course, whatever changes to the Barley Marketing Act are made, because the Barley Board is a product of both Victorian and South Australian legislation, we have to act in unison with Victoria.

On the earlier Bill when we were extending the period for the review of the Barley Board, I said that I did not agree with the recommendations made in relation to the single desk for export barley and there is widespread rejection of that view within the grains industry. However, in relation to the sale of domestic barley for feed and stock barley there is widespread support for that measure and consequently the Opposition will be supporting this Bill, which gives effect to that. Indeed, it has been the practice for some time that the Barley Board has not been enforcing this measure and there has been a *de facto* deregulation of the domestic market for feed barley in operation. This Bill simply regularises that occurrence.

As I said earlier, it is important that we act in harmony with Victoria and I believe it will be producing a similar Act so that the deregulation of the domestic market for feed barley will take place in October. The Opposition has no objection to this measure, as it is supported widely by South Australian grain growers and graziers. We are happy to support the speedy passage of the Bill.

The Hon. IAN GILFILLAN: I indicate Democrat support for the Bill. There is no need for me to speak at length but I am assured by both barley growers of my acquaintance and by the Farmers Federation that this legislation is required. However, it is appropriate for me to indulge a personal view, that is, I have been concerned as a general trend about deregulation of rural product. Usually it means that the producer—I emphasise 'usually'—does not

have as reliable a market for the product nor a guarantee of any sort for reasonable returns but, in this case, I am not raising that as an objection. I take the opportunity to indicate a general suspicion of deregulation of rural product, but in this case we are prepared to support the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contributions to the debate and for their support for the Bill.

Bill read a second time and taken through its remaining stages.

POLICE BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1022.)

The Hon. IAN GILFILLAN: I indicate Democrat support for the second reading of the Bill, which is a very significant piece of legislation and it is essential that this Parliament gets it right. It may well set the stamp of the style and efficiency of policing in this State for a decade, so it is worth making sure that we work efficiently through not only the second reading but also the Committee stage of the Bill, where it is my intention to move several amendments. In its original state, I would argue, the Bill is far from perfect. It appears very much to me as if it is a wish list of the Commissioner, Mr Mal Hyde, and that position is reinforced by a document he circulated to all serving police officers dated July 1998 and headed 'Police Bill: The Facts About Proposed Changes'. I comment in passing that it seems somewhat unusual, if nothing more, that a serving Commissioner should be so active in the promotion of legislation currently before the Parliament.

I would question that as being appropriate in the public forum. As a fact of revelation, it may be of use to serving police officers to understand a little more about what is in the Bill, but, essentially, I feel that it is inappropriate for serving police officers to take an active public part up front in the debate on the legislation before the Council. Having said that, I think that the document does contain some quite interesting observations and a very clear comparison in a table form entitled 'Police Bill—the facts about proposed changes July 1998' and the national comparison of Commissioners' powers. I seek leave to have this table included in *Hansard*.

Leave granted.

National Comparison of Commissioners' Powers

Issue	South Australia	Queensland	New South Wales	Victoria	Western Australia	AFP	Tasmania	Northern Territory
Selection on merit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Responsibility for appointment promotion process	Commissioner	Commissioner	Commissioner	Governor	Governor	Commissioner	Governor	Administrator
Who appoints members								
Assistant Commissioners	Commissioner	Governor	Governor	Commissioner	Governor	Commissioner	Governor	Administrator
Officers	Commissioner	Commissioner	Commissioner	Commissioner	Governor	Commissioner	Governor	Commissioner
Sergeants/Sen. Sergeants	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner
Constables/Sen. Constables	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner
Who may terminate								
Assistant Commissioners	Commissioner	Governor	Governor	Commissioner	Governor	Commissioner	Governor	Administrator
Officers	Commissioner	Commissioner	Commissioner	Commissioner	Governor	Commissioner	Governor	Commissioner
Sergeants/Sen. Sergeants	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner
Constables/Sen. Constables	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner	Commissioner
Contract appointment?								
Officers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sergeants/Sen. Sergeants	Yes	No	No	No	No	Yes	No	No
Sen. Constables	Yes	No	No	No	No	Yes	No	No
Constables	No	No	No	No	No	Yes	No	No
Ability to appoint external applicants								
Officers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sergeants/Sen. Sergeants	Yes	No	No	No	Yes	Yes	Yes	Yes
Sen. Constables	Yes	No	No	No	Yes	Yes	No	No
Constables	No	No	No	No	Yes	Yes	No	No
Probationary periods	2 years	6 months	None	1 year	None	1 year	None	None
Revert to previous rank	Yes	Yes	N/A	Yes	N/A	No	N/A	N/A
Misconduct dealt outside formal process	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Promotional appeals								
Ranks	Inspector	Chief Supt.	Chief Inspect.	Inspector	Supt.	Sergeant	Supt.	Sen. Serg.
Grounds	Process	Process/Merit	Process/Merit	Process/Merit	Process	Process/Merit	Process/Merit	Merit
Transfer provisions								
Unfettered movement as same rank	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Grievance provisions available	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tenure on appointment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Role of Commissioner								
Role of Commissioner in Police Act	Control/management subject to direction of Minister	Admin. under direction of Minister	Control/management subject to direction of Minister	Control/superintendence subject to direction of Governor	Control/management and discipline with approval of Minister	Admin. subject to control of Minister	Control/superintendence under direction of Minister	Control/ management under direction of Minister

National Comparison of Commissioners' Powers

Issue	South Australia	Queensland	New South Wales	Victoria	Western Australia	AFP	Tasmania	Northern Territory
Role of Commissioner regarding unsworn staff	Responsible to Minister under P.S.M. Act	Responsible to Minister under P.S.M. Act	N/A unsworn staff employed under Police Service Act	Responsible to Minister as head of agency	Responsible to Minister as executive officer	N/A unsworn staff employed under AFP Act	Responsible to the Minister as head of agency	Responsible to Minister as head of agency

The Hon. IAN GILFILLAN: It is an interesting document to compare in various aspects, namely, the powers of the Commissioner, in particular, on contract appointment; ability to appoint external applicants; probationary periods; promotional appeals; and transfer provisions. Members will have a chance to look at the comparison between the South Australian proposed situation and what obtains in the other States. I do not intend, therefore, to go through that document.

The Bill, in my view, is the desirable legislation from the Commissioner's point of view, and he has put it forward with very good intention in mind from efficiency and answerability to him as the commanding officer of a police force. It is my view that the Bill as originally introduced gives to the Commissioner too much power with not enough independent review and appeal or disclosure of orders which will be very much controlling and vital to the working life of serving officers in the police force.

The amendments that I intend to move will be shaped at moulding that aspect of the Bill, rather than at attempting to frustrate the aim of the Commissioner to have what is his right, namely, the authority and power to manage the police force efficiently and to be able to winkle out non-performers, those whose conduct is not up to standard and those who offend either in minor or serious ways. We cannot have a police force in which there can be corners or cover for the sort of corruption and abuse that has flourished in police forces in other States.

For many years, I have been attempting to have set up in South Australia an independent arm which would have the capacity to root out corruption not only in the police force but also in other Government departments where it happens to exist, but that is another story. However, it does mean that one of the perspectives which I have brought to the Bill has been an attempt to ensure that when it is finally passed there is adequate surveillance, and the ability for senior officers to move people out of positions for which they are ill-suited or where there are grounds to suspect they are not performing—not necessarily illegally but improperly. All these aspects must be available for the higher authority in the force to be able to address and root out.

I am attempting to emphasise how seriously the Democrats view this Bill and also to indicate the degree of goodwill which has been built up already between the Police Association, the Democrats and, of latter days, the Government. From private conversations that I have had, I believe that the Opposition intends to follow the same path—at least in this place.

It is of mild interest to members that in the other place there was reasonably extensive debate at a rapid rate with little constructive end result. No amendments were moved or passed but there was a fair bit of nitpicking and several times there was, with great relief, reference to its being 'patched up in the Upper House' or that amendments would be moved in the Upper House, 'where the real work will be done'. Some members may have heard the member for Ross Smith on a previous occasion belting into this august Chamber and arguing that it should be abolished. It is interesting, therefore, for me to quote part of his speech on 8 July at page 1392 in the Committee stages. After the Minister, Mr Evans, had made a comment, Mr Clarke continued:

> I suppose we can go round and round the mulberry bush on this, and this will be my last question because it will be sorted out in another place. . .

It is a beautiful quote which we should enshrine in some way as a memorial to those who criticise the work we do. However, I mention that because I do believe it is in this Chamber that the most constructive work with amendments and moulding the Bill to its final form will be done. I re-emphasise that I believe the climate and the attitude of all players are such that I do not see any problem for us achieving that result. Neither the Commissioner nor the Police Association, nor probably several of the serving police officers, will be totally satisfied. No-one will be able to have a piece of legislation that totally fits their pattern, but from the conversations I have had with the Commissioner in earlier days, when he made quite clear his vision for how the force should be run, and a series of conversations with the association where I was able to get a feel for its concern about certain aspects, I am encouraged to instruct Parliamentary Counsel to prepare amendments on a range of issues.

I am taking up some time of the Council this afternoon because I believe it will be an advantage if the Government, the Opposition, the association and, indeed, the Commissioner have a chance to ponder the proposed amendments that I intend to move. I indicate at this stage that I am more than willing at any time to hear contrary debate or argument about why these amendments are inappropriate or should be altered. That can be well before the end of the second reading stage or before the Committee stages are entered into. With that in mind, I crave the indulgence of the Council whilst I refer to my proposed amendments to the Bill.

The first one relates to clause 6, which refers to the responsibility of the Commissioner for the control and management of the police. The Democrats will seek that the directions of the Minister be written directions because we feel that directions of significance such as these should be clearly specified in a written form. I understand that the Minister supports this proposal.

Clause 8 deals with certain directions to the Commissioner being gazetted and laid before Parliament. I was a little concerned to note that these directions were to apply only to the enforcement of a law or law enforcement methods, policies, priorities or resources. I do not see why this measure should be prescribed in this way. I would prefer that all ministerial directions to the Commissioner be handled in the same way.

Clause 10(1)(d) provides that the Commissioner must ensure, amongst other things, the fully accountable management of resources. In his second reading reply or in Committee, perhaps the Minister could provide a full explanation of what 'accountable' means. To whom is the Commissioner to be accountable in this regard? It may be that the Commissioner's contract specifies those details of accountability and to whom the Commissioner is accountable. Perhaps the

Minister could provide that information in his reply. If not, I will raise this matter in Committee.

Clause 10(2) paragraphs (f) and (h) provide that the Commissioner must afford employees reasonable avenues of redress and that there be no nepotism or patronage. No mechanism appears to be provided to enable employees to take action to secure their rights in this respect. I will examine the matter to see whether it is necessary for me to move an amendment.

Clause 11(2) paragraphs (c) and (d) are significant. If my amendment is successful, the requirements or qualifications for appointment or promotion and the appointment and promotion processes will be included in regulations. I will move an amendment to delete those two paragraphs and make them the subject of regulation.

With respect to clause 13, I will move an amendment to the effect that the Police Commissioner's contract will specify that the Commissioner must meet performance standards set from time to time by the Minister. This provision mirrors section 7 of the current Act, but I intend to move an amendment to ensure that these performance standards are consistent with the proposed Act. Therefore, clause 13(2)(b) will provide:

> that the Commissioner is to meet performance standards consistent with this Act as set from time to time by the Minister.

I will pursue that matter further later. We must ensure not only that these requirements are enshrined in legislation but also that we are vigilant to see that they are upheld. In my political experience, in several instances, an Act may look pretty good but there is no follow-up action.

Clause 16 refers to the conditions of appointment of Deputy and Assistant Commissioners. I accept that Deputy and Assistant Commissioners will be employed under contract, but I will move an amendment to provide that those contracts be made with the Premier. The Commissioner is employed under contract between himself or herself and the Premier, and I do not see why these other contracts should not be between Deputy and Assistant Commissioners and the Premier. Obviously, this suggestion is open to input from the Commissioner.

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: I appreciate the Attorney-General's interjection.

The Hon. K.T. Griffin: The honourable member is referring to Assistant Commissioners who are at executive level but who are not a CEO. Executive level officers are not contracted to the Premier.

The Hon. IAN GILFILLAN: The Attorney points out that the Bill reflects common practice in other Government employment procedures. I will take that matter on board and consider it. However, I emphasise that the Democrats do not regard the police as just another department. Police officers are entitled to be regarded as being dedicated in their working life to a vocation or a service. That is one reason why we take this clause so seriously. We believe that for ranks lower than Deputy and Assistant Commissioner there should be no contract of employment and that these officers should be able to be employed with an expectancy that, provided they do the job properly and do not break the code of conduct or behave illegally, they should continue to be employed as police officers.

Clause 16(4) deals with the contract for an Assistant Commissioner. My amendment seeks to specify the rights of a Deputy Commissioner or an Assistant Commissioner. Clause 16(4) is meaningless, providing as it does that these officers will have certain rights 'if the contract so provides'. However, if these provisions are contained in a contract there is no need to specify them in the statute. If they are not contained in a contract, this clause does not purport to grant such rights. I intend to put forward an amendment to ensure that these rights are available to Deputy and Assistant Commissioners.

Clause 17(1)(f) I regard seriously. It gives the Government of the day power to get rid of the Police Commissioner for what it deems to be a failure to carry out duties satisfactorily. In my view, this provision gives too much power to the Minister. My amendment will seek to link the Minister's dismissal powers to the Commissioner's performance standard. There will therefore need to be a clear and published performance standards so that Parliament and the public can see against which criteria the Minister of the day decides that the Commissioner failed to carry out his duties satisfactorily.

Clause 19(1) provides:

> The Commissioner may, by instrument in writing, delegate any of the powers or functions conferred on, or assigned to, the Commissioner by or under this or any other Act—
>
> (a) to a particular person.

I believe that that should be restricted to a particular person who is a member of SA Police and I will be moving an amendment to that effect. Clause 22 deals with the ability of the Commissioner to further divide the ranks of officers and other members of SA Police. It seems to me that the alternative ought to be provided that he or she also have the power to consolidate. There is quite a large number of ranks; there are eight levels of commissioned officers supervising three levels of non-commissioned officers. In future it may be appropriate to reduce the levels of commissioned officers, and I believe that the clause ought to be flexible enough to achieve that.

I hope to move four amendments to clause 23, dealing with contracts. We do not believe that contracting should be used as a management tool for serving police officers other than commissioners. This goes back to my earlier comments about the ethos, the working *esprit de corps* or the morale of the police force itself. I feel very strongly that, for a serving police officer who has a four or five year contract, the pressures for performance just to secure the renewal of their contract towards the end of that period of time will be very strong. Therefore, I believe that the pressures distorting good policing to achieve whatever he or she may think are the criteria which will ensure renewal will be very strong and unfair. I do not believe that it would improve or even offer the opportunity of improving the quality of policing in South Australia.

So, we will move to limit the use of contracts in this area to just those people who have been brought in laterally to fill a position which the Commissioner does not feel can be filled from the currently serving police officers. That contract employment would be for a term not exceeding five years. It would be non-renewable so that, if the Commissioner wanted to keep a person on in the police force who had fulfilled their task in the specified time, that person would have to be engaged on the same conditions as other members of the police force at that level, none of whom were undergoing that continuing process of contract employment. I have various suspicions about what can be abuse of contracts. There can be a strong temptation for people to use the termination of a contract as a chance to get rid of people who perhaps simply

did not get on with their work mates or superiors. It is important that we remove those undesirable forces from applying to the ordinary serving police officer so, if I am successful, clause 23 will be substantially amended.

I hope the Attorney may explain clause 26(2) to me. I find this difficult to interpret and will be looking for an explanation later in the debate. Clause 26 provides:

> Effective appointment and oath of affirmation
>
> 26. (1) A person who is appointed as a member of SA Police and makes the prescribed oath or affirmation will be taken to have entered into an agreement to serve in SA Police in each position that the person may hold until he or she lawfully ceases to be a member of SA Police.

So far, so good. The clause continues:

> (2) No such agreement is void for want of consideration.

This may be open to quite a loose explanation, but I do not have it and I would ask the Attorney to explain that to us, otherwise, perhaps take it out if I cannot understand it. With regard to clause 27, the Minister has indicated that he supports an amendment that I will move that the probationary period be reduced from two years to one year, so there is no point in dwelling on that. Clause 28 deals with the performance standards for the Commissioner. The clause provides:

> It is a condition of appointment as an officer below the rank of Assistant Commissioner that the officer is to meet performance standards as set from time to time by the Commissioner.

I will move that those performance standards be published in the *Government Gazette*. The more we can make the orders, requirements and standards transparent and available for public scrutiny and comment, the less suspicion, concern and fear there will be within the police force and the more trust there will be in the public outside. So, I will move that amendment to clause 28. Clause 29 provides the penalties for resigning without leave, which seem to be rather draconian. I am not persuaded that there is such a potential horrendous consequence for a member of SA Police resigning.

The Hon. K.T. Griffin: There is, and I will talk about that in my reply.

The Hon. IAN GILFILLAN: The Attorney reassures me he will be looking to discuss that. The amendment I would seek to move would be to allow a member of SA Police to resign or relinquish official duties rather than prohibiting the member of SA Police to resign or relinquish official duties unless he gets authorised permission from the Commissioner, and a couple of other minor qualifications. My amendment would take out that penalty, but that is obviously a matter on which we will hear more from the Attorney, so I look forward to further discussion on that. It is interesting to note that there is no such penalty for the Commissioner, Deputy or Assistant Commissioners who resign without leave. That anomaly may also be addressed by the Attorney.

The Hon. K.T. Griffin: They are on contract, so you do not need that provision.

The Hon. IAN GILFILLAN: There is a clause in the Bill which deals with it.

The Hon. K.T. Griffin: I will give the honourable member a response.

The Hon. J.F. Stefani interjecting:

The Hon. IAN GILFILLAN: But we must see the contract. The interjection is that that matter is dealt with by the commissioners on contract. In the past the contracts have been very difficult to see—in fact, almost impossible to see—so I think that, although it may mean that my amendment might be framed differently the issue will be pursued so it can be clarified in debate. Clause 33(2) provides the rather anomalous position that a police cadet is not a member of SA Police and is not a Public Service employee. That rather leaves them classless, and I look forward to an explanation as to how one views them. It also provides that the police medical officers are not members of SA Police. Clause 36(3) provides:

> A police medical officer is not a member of SA Police and is not a Public Service employee.

It is just one of those quirky questions to which I look for an answer and explanation later in the debate.

Clause 41, dealing with suspension where charge of offence or breach of code, when linked with clause 66, provides for suspension without pay if the Commissioner so decides. Losing one's only form of income is a very harsh penalty, especially for someone who at that stage is merely suspected of wrongdoing. Although those proven innocent will get back pay, I would like to see consideration given to some time limit to the extent of this penalty or very specific and clear guidelines to prevent it causing undue hardship from either unconscious misuse or, in fact, deliberate abuse.

Clause 43(3) deals with the right to apply for review of informal inquiry, and earlier I mentioned the question of making sure that there is always open, fair and independent review. In clause 43(3), when a member applies for a review after a minor misconduct charge has been upheld, I consider it vital that it does not go back to another person appointed by the Commissioner. The person who originally heard the matter is appointed by the Commissioner—and one must recognise the potential human failing in this—and if the appeal is to be heard by another person again appointed solely by and answerable to the Commissioner the chances of an impartial and objective reappraisal diminish. I hope to come up with a satisfactory amendment which provides that whoever is hearing the review will be at arm's length from the Commissioner of Police. I believe that we can find a formula which will be able to ensure that.

Clause 44 deals with follow-up of the informal inquiries. Subclause (2) provides:

> The Commissioner may intervene in a particular case if the Commissioner considers it appropriate to do so (whether before or after review of the case under subsection (1) or a review on the application of a member of SA Police or police cadet concerned)—
>
> (a) by ordering that a new informal inquiry be conducted or that the processes involved in the informal inquiry be recommenced from some specified stage;

Again, this is a situation where I feel the Commissioner has inordinate powers of control and intervention. This clause concerns an inquiry into a minor misconduct. If the Commissioner does not like the finding or feels that it is going the wrong way it would give him the power to intervene again and again, as many times as it suits his fancy. I feel that this matter should be addressed either by amendment or deletion. I am open to persuasion on it.

Clause 46(5) concerns unsatisfactory performance and is a more serious level of investigation. The Democrats believe that this clause desperately needs reworking. An unidentified panel of persons will have in their hands a police officer's career. As far as I can discover there is no indication as to how these people will be appointed or from what background they will come. I think that we should look at a procedure whereby there is a pool of nominees from the three sectors—the association, the Government and the Commissioner—and that the panel, whatever number it is, is drawn from that pool. The Democrats find it very difficult to support the clause as it is currently worded. However, I do not oppose the process:

the process is fine if the panel clearly can be seen to be independent and competent to hear the matter.

Clause 47 deals with the power to transfer. This clause provides for the total phasing out of appeals against transfer. In fact, there is permission for only one appeal. It is a rather bizarre clause—or at least that is my interpretation of it. The combined effect of subclauses (4) and (5) is to ensure that, once a police officer has had one transfer for a specified period which he or she can appeal, every subsequent transfer will be entirely without appeal rights. This could mean that if someone were to get on the wrong side of a malicious Commissioner they could spend their police lifetime moving from outpost to outpost in exile as a form of punishment. That may sound extreme but I think one has to look at the potential for misuse of the legislation as well as the benefits for its proper use.

Clause 51 deals with processes for appointment or nomination for prescribed promotional positions, and clause 52 deals with the right of review. I will be seeking to amend these clauses consequent to what I hope to do in clause 11, that is, the qualifications for appointment or promotion and appointment and promotion processes. This is a very significant part of the Bill. Serving police officers and the association are extremely sensitive that this area must be clearly predictable, that there is a set of standards which can be relied on to be complied with. Clause 51 provides:

> An appointment to a prescribed promotional position may not be made unless selection processes have been conducted in accordance with the general orders of the Commissioner for the purpose of filling the position.

I will be moving to delete 'general orders of the Commissioner' and insert 'regulations'. Clause 52(3) is a similar matter and provides:

> A member may not make an application under subsection (2)—

that is the right of review with regard to appointment or promotion—

> unless the person has first made application to have his or her grievance in respect of the selection decision dealt with in accordance with a process specified in the general orders of the Commissioner. . .

Again, I will be moving an amendment to make it by regulation. Clause 55(a) and (b) have the same theme, that is, a determination of question of eligibility for appointment. In paragraph (b) a determination is by the Commissioner, and once again I will be moving to have the specific qualifications that he will be referring to clearly spelt out in the regulations. In clause 55(a) and (b) the same argument applies.

I go back to clause 53, which is a quite significant amendment. My understanding of it is that it is drafted in contradiction. The clause deals with grounds for application for review and provides:

> An application for a review of a selection decision under this Division may only be made on one or more of the following grounds:
> (a) that the member selected is not eligible for appointment to the position; or
> (b) that the selection processes leading to the decision were affected by nepotism or patronage or were otherwise not properly based on assessment of the respective merits of the applicants; or
> (c) that there was some other serious irregularity in the selection processes,
>
> and may not be made merely on the basis that the Tribunal should redetermine the respective merits of the applicant and the member selected.

It is difficult to pick up from my reading of the clause what the anomaly appears to be, but the clause provides that an application for review—and this is a promotional review, a very significant part of a serving police officer's career—of a selection may only be made on one or more of the grounds as outlined. Therefore, it can be made on one of the grounds. Paragraph (b) provides:

> that the selection processes leading to the decision were affected by nepotism or patronage or were otherwise—

and this is the part I want to emphasise—

> not properly based on assessment of the respective merits. . .

Therefore, reading up to that point, an officer could seek a review because there had not been a properly based assessment of the respective merits, yet the clause concludes:

> . . . and may not be made merely on the basis that the tribunal should determine the respective merits of the applicant and the member selected.

It is directly contradictory. As we believe, it is absolutely essential that merits are included as a process for review. We will seek to delete that last sentence so that it does stay consistent and does allow merit to be a leading criterion for judging the review.

There are no specific further amendments that I want to indicate in my second reading contribution. The balance of the Bill does not seem to us to be exceptionable: it seems to be satisfactory. As I said earlier, the attitude is such that I am optimistic that we will have a piece of legislation which will be very effective in offering South Australia the very best of policing and which will provide the standard that we have prided ourselves on having, a standard I do not think any of us should shirk from attempting to ensure goes on indefinitely into the future. It will not be gained by giving a Commissioner dictatorial powers, and that is what I believe the original Bill offered. It will not be gained by protecting the slothful, inefficient, non-performing police officer just because of the sort of mateship of 'one of us'. There is a challenge: serving police officers have a challenge the same as an armed service when protecting the nation. It is a dedication; it is a vocation; it is a different calling from the ordinary job routine.

I am not so naive as not to realise that we will not get the ultimate standard of performance from all those who offer and who eventually get taken into the force, because it has been shown clearly that that is not the case. Let us start from the assumption that the vast majority of people who offer to serve in our police force are motivated to do the best they can in terms of thorough, proper, honest and efficient policing for the people of South Australia. This extends from the Commissioner to the cadets, whatever particular rank or position they have.

In conclusion, we intend to support the second reading. We believe that there should be no rush to deal with the Committee stages, because that is the time when, much to the appreciation of members in the other place, we do need to roll up our sleeves and do the work that we are set up to do. It is nice to see from their contributions how much they lean on us to do the real work, to make sure that legislation as it comes out of this Parliament is well thought through, where needed effectively amended, and shown to be the product of an efficient Parliament. The proof of the pudding will be in the effective policing. I am convinced that it is comfortably within our reach to ensure that when the Bill finally becomes law it will do just that for us.

The Hon. P. HOLLOWAY: When the Police Bill came before the House of Assembly the Opposition opposed it because of its major deficiencies and because of the intense

opposition to it by members of the police force, in particular the Police Association. That is not to say that there are no positive features in the Bill; indeed, there are some positive changes in the Bill, but it was the Opposition's view that these positive changes were more than outweighed by the negative aspects of the Bill. In speaking to this Bill in another place, my colleague, the member for Elder, made a very good point when he said that this is one area of government where we should move slowly. There is no doubt that the relations between the police and the Executive are very important. We do need to strike a delicate balance between the powers of the Police Commissioner and the Executive Government.

Given the history of this State, we of all Australians should understand that. It is important that we do have that right balance between those powers and that before we seek to alter these powers which have evolved over many years we should be certain that those changes are in our best interests. From the Opposition's point of view, we are not satisfied that that is the case. My colleagues in the House of Assembly also pointed out how these changes concentrate power in the hands of the Police Commissioner at the expense of the Minister.

During the debate in another place there was the example of Police Commissioner Lewis, the former Police Commissioner of Queensland, who used his powers to appoint police and to entrench corruption within that police force. Indeed, the legacy that Commissioner Lewis left in Queensland was one of shifting those police who were known to be corrupt into the liquor branch and transferring away any honest police who might draw attention to that. If we are thinking about entrenching powers, we do need to be very careful about how we move. That is not to suggest that legislation in itself will be protection against that sort of corruption. Clearly, if there are corrupt people involved at high levels there will always be problems; however, we do have to be certain that the balance struck within our legislation governing the police minimises the opportunity for that to happen.

The major concerns in this Bill have been set out by the Police Association. I will quote briefly from some correspondence that I and I assume other members have received from the Police Association which sets out their basic objections to the Police Act. The letter states:

> The Police Association submit that the proposed changes to the Police Acts will—

and this also applies to the Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Bill which accompanies this Bill we are now debating—

> unjustifiably widen the Commissioner's powers and increase informal processes in a number of new disciplinary codes of conduct and employment areas; allow the Commissioner to determine the number of sergeant and constable positions without ministerial approval, as is currently the case; introduce term contracts, the conditions of which will be determined by the Commissioner; substantially lower standards of proof in disciplinary processes, allowing officers to be dismissed on the balance of probabilities rather than beyond reasonable doubt; and will give the Commissioner new powers to dismiss officers for unsatisfactory performance without recourse to the Minister as is currently the case and to transfer officers without conducting selection processes. In terms of human resource management, the proposed changes can at best be described as regressive.

Clearly, when the South Australian police force has such united opposition to a new Bill, we in this Parliament have to pay great attention to that. I understand that negotiations between the Government and the police force are taking place, and it is the Opposition's view that it would be inappropriate to proceed too much further with this legislation, particularly since it has already passed the House of Assembly, until those negotiations are completed. I would expect that, given the intense police opposition to this Bill, there will be substantial amendments to this Act. If these amendments are not moved by the Government, they are likely to be moved by the Opposition. In summary, we would like to see the outcome of these negotiations before this Bill is finally passed. As a consequence, I seek leave to conclude my remarks at a time when the Council can be made aware of those outcomes and we can further proceed with the Bill.

Leave granted; debate adjourned.

GAMING MACHINES (GAMING TAX) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 984.)

The Hon. CARMEL ZOLLO: As my colleagues in the other place have already indicated, this is a budget Bill and the Opposition will be supporting it. However, I would like to make a few brief comments. The subject of gaming machines has become a vexed one for many people in our community. On the one hand, their introduction has meant an expansion in the hospitality industry and the benefits that come with such expansion. I think we would all acknowledge the industry's importance to this State. On the other hand, the widespread introduction of gaming machines in South Australia has gone horribly wrong for so many people, in particular, families. I do not think it is necessary to go over the obvious. The Hon Nick Xenophon's presence in this Chamber is testament to what has gone wrong in relation to the addiction that has befallen a certain percentage of people who play gaming machines.

I have been one who has never agreed that people can become addicted to any one particular form of gambling just as easily as the next. I believe that gaming machines are more addictive and have introduced gambling to people who perhaps would never before have either dreamed of or had the opportunity to gamble. Many women in particular have fallen victim to addiction. The industry has not exactly been shy in promoting their use. Gambling also has the unfortunate repercussion of not only affecting the individual but entire families and communities, sometimes long before the person can obtain help. I am glad to see that the industry has put in place codes of conduct and other initiatives to promote responsibility in the gaming industry; at least it is trying to introduce some.

The tax increase is significant and affects over 50 per cent of hotels in this State. I do have some sympathy for the industry in that the goalposts keep shifting to suit the Government's budgetary requirements from year to year. Leaving the agreed surcharge in place, when clearly the industry has delivered on its level of revenue to Government, could be interpreted as inequitable. I also think there is public concern that the Government has become hooked on poker machine revenue. The concern is that the more hooked Governments become on their revenue, the harder it is to make unbiased decisions concerning their expansion and any possible legislative industry code of conduct.

As my colleague in the other place, the member for Hart, pointed out, the only way out of such a dilemma would be to put the increase in taxes into debt retirement or something of a recurrent nature. There is also concern that this industry is

targeted for the obvious reason that it is one of the few in South Australia that is doing well. However, I am pleased to see the important measure in this Bill which affects changes in taxation for licensed clubs. Perhaps the introduction of gaming machines in licensed community clubs may well be one of the few good things to come out of the introduction of gaming machines in South Australia. I am pleased that the Government has recognised the need to ease the burden on licensed clubs with this Bill, allowing a lower rate of taxation for them.

Many licensed clubs of course are heavily involved in their local communities. I know that the investment which the nearest club to where I live, the Athelstone Football Club, makes in the Athelstone community is significant. Like many other sprawling suburbs, it is often difficult to create a hub or community focus in such suburbs, that is, besides shopping centres. The Athelstone Football Club has certainly taken on that role. The club has now been there for over 20 years and was opened in 1976 by the then Premier of South Australia (Hon. Don Dunstan). The club serves as a meeting place for the Australian Retired Persons Association, Rotary and Neighbourhood Watch (to name just a few) and even acts as a collection point for the Red Cross blood bank four times a year. Local schools in the area use it for various fundraisers and presentation nights.

It is also the home of many sporting and recreation teams: table tennis, basketball, eight-ball, three cricket teams, touch football, and four senior and seven junior football teams. I think we would all agree that having a free meeting place that offers food and a full bar service makes the club conducive to being the centre of many community activities. I know the club has already earmarked its tax savings for recreational and other projects. The club hopes to upgrade its oval lighting system and is already in the process of making changes to some of the club's grounds to provide extra security for its patrons. The club is naturally pleased to see this particular budget measure.

I am also pleased to see that community hotels, of which there are currently nine in South Australia, all of them in regional South Australia, will also be provided with the benefit of this tax relief. With so many closures of Government and private facilities in country and regional areas, I am sure that such taxation relief will assist in the viability of these community hotels, perhaps more so than in urban South Australia where there is more choice in terms of patronage. Such assistance was not only warranted but overdue. I am sure we would all prefer if the Government was in a position to target many other industries in South Australia because they were doing well, instead of this single relatively successful one. Unfortunately, that success has come at a large social cost for those who become addicted to these machines but, as already indicated, I am pleased that community clubs are being offered some relief with this Bill, in recognition of what they put back into the community. As this Bill implements a budget measure, the Opposition supports it.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

NON-METROPOLITAN RAILWAYS (TRANSFER) (BUILDING AND DEVELOPMENT WORK) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Wednesday 22 July at 2.15 p.m.