LEGISLATIVE COUNCIL

Tuesday 4 August 1998

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Barley Marketing (Deregulation of Stockfeed Barley) Amendment,

Gaming Machines (Gaming Tax) Amendment,

Non-Metropolitan Railways (Transfer) (Building and Development Work) Amendment,

Stamp Duties (Miscellaneous) Amendment.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 24, 98, 117, 121, 147, 148, 152, 168, 205, 207-209, 212, 213, 215-218, 221, 223, and 236-239.

TRANSADELAIDE PASSENGER TRIPS

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

1. How many passenger trips were made on TransAdelaide buses at the Mile End depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

2. How many passenger trips were made on TransAdelaide buses at the Morphettville depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

3. How many passenger trips were made on TransAdelaide buses at the Port Adelaide depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

4. How many passenger trips were made on TransAdelaide buses at the Womma Road depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

5. How many passenger trips were made on TransAdelaide buses at the Lonsdale depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

6. How many passenger trips were made on TransAdelaide buses at the St Agnes depot during the years—
(a) 1994-95;
(b) 1995-96; and
(c) 1996-97?

The Hon. DIANA LAIDLAW: With the advent of competitive tendering of public transport contracts for bus routes in 1995-96, and the introduction of new operators, a direct comparison of bus passenger trips by depot over a period of years is no longer possible.

In absolute figures, the following table outlines the total unadjusted boardings undertaken on TransAdelaide buses from the specified depots.

* The figures, however, do not reflect the true position with respect to TransAdelaide's bus patronage as other factors need to be taken into account, such as—

- boardings from the Outer North and Inner North contract areas which were taken over by Serco from January 1996 and January 1997 respectively;
- boardings from the Aldgate depot which transferred to Hills Transit from September 1995;
- boardings by depot do not directly correlate to boardings by contract areas as sometimes depots will run services for several contract areas;
- boardings from Adelaide depot for services which are now largely located at other TransAdelaide depots; and
- boardings from the transitional Haines Road Depot, pending the Inner North transfer to Serco.

Depot*	1994-1995	1995-1996	1996-1997
Mile End	8 747 579	9 283 099	8 893 122
Morphettville	12 126 803	11 019 340	9 776 108
Port Adelaide	6 413 465	6 662 026	6 511 180
Womma Road	-	-	1 066 738
Lonsdale	3 824 709	3 716 259	4 017 082
St Agnes	9 466 762	8 514 721	7 180 405
Total Boardings*	40 579 318	39 195 445	37 444 635

TransAdelaide continues to address patronage issues, with new service and marketing initiatives which are working against strong external factors. In the last year, positive trends have been shown in response to the Westfield Marion Shopping Centre redevelopment and the increased service frequency introduced in August 1997 on the O-bahn North East Busway.

AQUACULTURE

98. **The Hon. R.R. ROBERTS:**

1. How many aquaculture licences are currently waiting to be processed by the Department of Primary Industries and Resources?

2. When does the Minister for Primary Industries, Natural Resources and Regional Development expect the aquaculture licences to be processed by the Department of Primary Industries and Resources?

3. Of the $5.6 million that has been allocated over the next five years by the Government to the back log problem—
(a) How is this money to be allocated; and
(b) When is it to be allocated?

The Hon. K.T. GRIFFIN: The Minister for Primary Industries, Natural Resources and Regional Development has provided the following response to questions 1 and 2:

104 licences were being renewed for the 1997-98 licensing year, that commenced on 1 July 1997. The printing of these licences had been delayed by a series of events:

- industry agreement on the level of cost recovery was not reached until September 1997;
- the setting of licence fees by Cabinet had been delayed until November by the election; and

In October 1997, in preparation for the issuance of leases, PIRSA sought legal advice in regard to authorities issued pursuant to Section 53 of the Fisheries Act. This was resolved in February 1998 with a decision to issue leases under the Harbours and Navigation Act.

Research and Development (R&D)

During the last three years 88 research and development operators have been approved by the Development Assessment Commission (DAC). These operators were issued permits by PIRSA for a limited number of years thus providing them with an opportunity to trial new sites or to show that their proposed fish farming operations were ecologically sound and sustainable proposals.

With few exceptions these "R & D" operators are required to return to the DAC for a fresh approval if they wish to continue activities in a commercial way. Not all will choose to do so. A number of R&D operations have failed to progress and subsequently have lapsed.

There has also been a considerable interest in some of these R & D sites in regard to extent of development on the sites. PIRSA recently audited the extent of development on all these research and development sites in keeping with the requirement of the Development Act 1993 that development must be substantially commenced within twelve months of the date of approval. As a result of this audit PIRSA has identified some sites that will be granted licence to continue trials for a further year.

The remaining sites that are ongoing propositions have made, or are currently making, application to the DAC for a fresh development approval.

Of newly approved development applications, 53 new licences were awaiting processing in February 1998. These had been approved by the DAC at their monthly meetings since August 1997. Except for 19 licences, these licences have all been offered to the applicants.

Today 19 licences still await processing. Some of these have been delayed at the request of the applicant being related in some business manner to the development on other sites, or restrained as the issuance of licences would exceed the area approved for immediate use. Five are renewing licences but they had not been offered while the matter of outstanding licence fees is being resolved.

Although these first two Questions on Notice have specifically inquired into the processing of licences, it is the outstanding number of marine development applications that has, on other occasions, been the basis of inquiry. It is possible that the backlog of development applications may be the real basis of these questions and therefore I provide further information in regard to outstanding development applications.

A total of 253 marine aquaculture development applications are currently on record with the Primary Industries Aquaculture Group. It is anticipated some 20 of these applications will be finalised during May/June on the basis some 155 applications will have been processed at the conclusion of the 1997-98 financial year.

The assessment of applications for marine aquaculture is an ongoing Government responsibility. With extra resources, PIRSA is gradually lowering the number of outstanding applications even though they are continually being lodged at a steady rate.

The steady lodgement of development applications has highlighted several issues. There has been a greater demand for the sea resource than anticipated and subsequently there has been insufficient staff resources to deal with the number of applications. Processing and assessment of such applications is complex, particularly considering the need to balance industry development with public interest. Also, there are substantially more applications lodged for some areas of the State than there is space available in the Management Plan. PIRSA is required to hold these over subscriptions until a decision is made on applications that were lodged at an earlier date.

Initiatives are now in place to meet the high level of application lodgement, including:

- the employment of additional planning staff to assist with the complex processing and assessment procedures, made possible through funding from the Farmed Seafood Industry Development Initiative;
- improved communication with applicants advising them as to where their application is in the system and making sure that they have provided sufficient information so that their application can proceed;
- giving priority to dealing with applications that largely comply with the Management Plans, and refusing those that clearly do not;
- a review of the current process of allocating the sea for aquaculture, with a view to establishing an improved/revised application and processing procedure; and
- identification of procedural and administrative improvements to better coordinate the legislative responsibilities administered by a number of agencies.

The Minister for Primary Industries, Natural Resources and Regional Development has provided the following response for question three part a and b:

The Government has allocated $5.6 million to facilitate the development of the fledgling aquaculture industry as an integral part of its economic strategy for South Australia. This is known as of the Farmed Seafood Industry Development Initiative.

The initial funding ($5.6 million) was decreased by $400 000 due to commitment midway during the first funded year.

The funds are being directed mostly to industry development initiatives as follows:

Project	$ million	Years
Industry Development and Technology Exchange	0.90	3
Industry Management	0.64	5
Research into New Technologies and New Species	2.10	5
Fish Health Services	0.38	3
Product Quality	0.22	3
Market Development	0.45	3
Management Plans Review and Sites Identification	0.45	3
Total	5.24	

Part of the Industry Management funds of $640 000 has been directed to the assessment of the back log of marine development applications. This provides $190 000 for extra temporary personnel to deal with these complex applications. This has allowed Primary Industries to deal with the back log of applications as a matter of priority. About 10-15 applications are being approved each month and any over subscriptions in the same zone are being refused at the same time. It is anticipated the back log will be fully processed, and a new and improved system of resource allocation and improved procedures will be in place, within the next 12 to 24 months.

MOTOR VEHICLES, IGNITION LOCKS

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

1. How much will the alcohol-ignition interlocks cost motorists?

2. How will the intended alcohol-ignition interlock system work?

3. Which category of drivers caught for drink driving will be eligible to use the device?

4. What measures will be put in place to prevent a driver who has been drinking from handing the device to a passenger to use so the vehicle would start?

The Hon. DIANA LAIDLAW:

1. Although interlocks have been used widely in Canada and the United States of America as a sentencing option by courts, no Australian States or Territories have legislation dealing with the use of interlocks.

Several Australian States, as well as the Federal Office of Road Safety and Austroads, have been examining interlocks and determining standards for the use of interlocks for several years.

To provide information on the use of interlocks in an Australian environment, I have agreed to a six month trial of the devices in the Riverland, based at Berri. The trial is being carried out with a group of about 25 volunteers from the community and the interlocks were fitted in late March and early April this year.

The trial will provide valuable information that will assist in the design of administrative systems and contracts needed to support the use of interlocks under any new legislation that is currently being considered.

Accurate information on the full cost of interlocks in Australian conditions is not yet available. The Riverland trial will provide information on the cost of running an interlock program in the community. A big influence on costs will be the number of interlocks involved in supply contracts, and the prices tendered for those contracts.

2. The interlock is a device about the size of a mobile phone that is connected to the ignition circuit of a vehicle. Before the vehicle can be started the driver must blow into the interlock. If the driver's breath alcohol concentration is below a set level that would be less than the maximum legal limit of 0.049, the interlock allows the vehicle to be started. Once started the interlock calls for periodic retests to check the breath alcohol concentration of the driver.

If the driver's blood alcohol concentration is above the set level, the interlock prevents the vehicle from being started. After an initial failure due to excess blood alcohol concentration, the interlock will not accept a retest for a programmed time interval to prevent misuse of the interlock.

3. Although the Government is giving consideration to the introduction of legislation dealing with the use of interlocks, the final decision to progress this matter will be determined by the outcome of the Riverland trial.

4. There are several brands of interlock currently available, each with a variety of in-built anti-circumvention features that make it difficult for a casual user to provide an acceptable breath sample. For example, some interlocks require the breath sample to be given with a specific blowing pattern that can only be perfected after a period of instruction and practice.

North American experience shows that anti-circumvention features make it very difficult for a vehicle to be started and driven by a person with a high blood alcohol concentration level.

RURAL POVERTY

121. **The Hon. IAN GILFILLAN:** What action has the Minister for Primary Industries taken to implement the following recommendations contained in the eighth report of the Social Development Committee concerning rural poverty in South Australia, tabled on 29 November 1995—

1. Recommendation 6 concerning transport options in non-metropolitan areas;

2. Recommendation 37 concerning the improvement of the productivity and sustainability of the farm sector; and

3. The other 47 recommendations?

The Hon. DIANA LAIDLAW:

1. Further to the Rural Poverty Report, as Minister for Transport and Urban Planning, I am pleased to provide the following advice in relation to rural transport issues.

In line with the Government's goal to improve the transport services in non-metropolitan areas, the Passenger Transport Board (PTB) carried out a review of inter-town bus services in 1995-96. Following extensive consultations, regional service contracts were introduced for various regions in the State. These service arrangements focus on the changing transport needs of the region and promote transport networks. Bus fares for long distance travel have been contained within the private bus cost index movement. Fare structure changes applicable to journeys within South Australia now require the PTB's approval.

Also the PTB, with the assistance of the Women's Advisory Council, the Office for the Ageing, local councils and community groups, has funded community initiatives to explore transport options for people living in non-metropolitan areas. In each instance, the goal is to augment current services and reduce costs associated with travelling long distances.

On the PTB's recommendation, I have approved funds to community groups and local Government for the establishment of Community Transport Networks in the following regions—

- South East (Victor Harbor, Goolwa);
- Barossa;
- Lower South East (Mt Gambier);
- Murray Mallee;
- Riverland; and
- Lower Mid North (up to Spalding and Hallett).

The PTB is also funding the development of "A Step by Step Guide to Establish a Rural Community Passenger Network". The Women's Advisory Council, in consultation with the organisers of the existing Community Passenger Networks and others, is currently developing this handbook on behalf of the PTB. Experiences of the PTB, the rural and regional standing committee of the Women's Advisory Council and the existing Community Passenger Networks organisers will further refine the process by which transport options in the rural areas are explored.

The Minister for Primary Industries, Natural Resources and Regional Development has provided the following information.

2. Both the Commonwealth and State Governments have continued to support the objectives of the Rural Adjustment Scheme (RAS) 92 program with particular emphasis on productivity improvement, skills enhancement, professional advice and financial management, with re-establishment grants being available for non-viable farm businesses to adjust out of the farm sector.

However, following a 1996 review of the RAS that scheme is now being phased out and replaced by the Commonwealth's "Agriculture—Advancing Australia" package. That package continues to place emphasis on improved productivity through skills enhancement, professional advice and financial management, while continuing to provide assistance for non-viable farm businesses to adjust out of the farm sector. However, interest rate subsidies for productivity improvement previously available under RAS have been discontinued, and will not be available under the new package.

In addition to the above, the Department of Primary Industries and Resources continues to provide a wide range of information, extension and research services to improve productivity and sustainability of the farm sector. Recent initiatives in this regard include the establishment of Industry Development Boards, and the adoption of a State Food Plan, and a State Fibre and Fabric Plan.

3. In response to the recommendations arising from Chapter 2 of the Committee's Report—Provision of Government Services, the Government has established the South Australian Rural Communities Office with the principal objective of improving the coordination and delivery of Government services to the rural community. The Office will review Government service delivery and where appropriate, develop measures to—

- more effectively coordinate delivery;
- improve community access;
- improve communications and information; and
- increase community involvement in policy development and decision-making.

The Office is concentrating on small and remote communities and focusing on the delivery of transactional services and information.

On 17 September 1997, the Premier announced the establishment of a pilot program of 6 service centres which will coordinate and deliver transactional services and information in selected towns across the State.

The towns selected are Ceduna, Kimba, Maitland, Peterborough, Lameroo and Keith.

Community consultation and involvement will be a feature of the establishment of the centres, as well as an on-going review of their performance.

The Rural Communities Office will establish and maintain regular contact with all major rural and regional organisations such as local Government, Regional Development Boards, the Country Women's Association, Advisory Board of Agriculture and the South Australian Farmers Federation to discuss Government service delivery performance, and to assist in the resolution of issues raised.

A free call help line "Ruralink", was launched on 6 March 1998 which covers all regional areas and is aimed at either providing callers directly with the information requested, or returning their call as soon as the information can be gathered, or referring them to an appropriate officer in Government who can help them.

An information site at major field days and shows throughout the year has been developed and commenced at the Angaston Show on 28 March 1998.

JETTIES

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

1. Which metropolitan councils have accepted the State Government's promised upgrade package in exchange for local government taking more responsibility for jetties?

2. Which country councils have accepted the State Government's promised upgrade package in exchange for local government taking more responsibility for jetties?

3. Is the Minister aware that many of the State's jetties are deteriorating to the point where they are becoming dangerous for the public to use?

4. Until local councils and the State Government reach an agreement on who will be responsible for maintaining jetties, who is currently liable for damages received as a result of injuries caused by defective jetties?

5. When can the public expect the current unacceptable situation to be sorted out?

The Hon. DIANA LAIDLAW:

1. Negotiations are continuing.

2. Ten—the Alexandrina Council, Coorong District Council, Yorke Peninsula Council, City of Port Augusta, Mount Remarkable District Council, Robe District Council, Copper Coast District Council, Mid Murray Council, Murray Bridge Rural Council and Yankalilla District Council.

3. In 1996, the State Government announced that $12.8 million would be provided, over four years to the Year 2000, to upgrade all recreational jetties in a partnership with Local Government. The funding package involves respective Councils accepting longer term responsibility for their maintenance, and joint management and equal funding with the State Government of public liability claims, through their respective insurance arrangements.

The recreational jetties that remain a State responsibility at this time, continue to be maintained to ensure that they are safe for their intended recreational use. Transport SA attends to any conditions which could put the safety of the public at risk.

Meanwhile, extensive remedial works are being undertaken on recreational jetties where local Councils have formally given an undertaking to take responsibility for these facilities.

4. There are a total of 49 recreational jetties in South Australia. Prior to the State Government announcing its recreational jetties funding initiative, it had been generally accepted that the State Government, as owners of these structures, was responsible for the public risk management.

5. This Government's injection of $12.8 million to the Year 2000 to upgrade jetties contrasts to the former Labor Government's approach of insisting that all the jetties be transferred to Councils without any injection of funds to refit the jetties to an agreed recreational standard.

WORKPLACE BULLYING

148. **The Hon. T.G. CAMERON:** Will the Government—

1. Legislate to control bullying in the workplace;

2. Introduce an anti-bullying code of practice for WorkCover;

3. Introduce an educational campaign to cut bullying; and

4. Ensure that the Occupational Health, Safety and Welfare Act includes a provision stipulating a workplace free of bullying?

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

1. It is inappropriate to introduce further legislative provisions to deal with this issue, because there are already sufficient legislative provisions capable of dealing with it.

It is inappropriate to create another 'specific category' of interpersonal activity which is capable of offending legislative provisions, especially when:

- it is behaviour which is difficult to define satisfactorily;
- the Government's policy is to give to employers and employees at individual workplaces the primary responsibility for determining matters which affect their relationship;

To the extent that this sort of behaviour causes disputes in the workplace, then the Industrial & Employee Relations Act requires those making enterprise agreements to agree in advance upon a procedure which can deal with such disputes. Similarly, most awards now contain grievance procedures to deal with disputes that occur within the workplace. Those workplaces which do not have such mechanisms in place may consider the implementation of such a grievance procedure;

To the extent that this sort of behaviour constitutes (for example) discrimination, harassment or denies people equal opportunity, then there already exist legislative provisions specifically dealing with the behaviour;

To the extent that this sort of behaviour causes injury in employment, the Workers' Compensation Act provides for workers affected to be compensated and rehabilitated. Indeed, to promote 'bullying' as a specific basis for a workers' compensation claim is unnecessary; tantamount to circumventing some of the restrictions currently put upon circumstances in which workplace stress can be compensated; and is likely to result in further deterioration of any work relationship in which such behaviour occurred.

2. Section 19 of the Occupational Health Safety & Welfare Act, 1986, details the employer's general duty of care to provide and maintain a safe working environment and safe systems of work. Section 19 also requires the employer to monitor the welfare of employees.

The corporation is currently developing a 'Guideline for the Prevention of Violence at Work'. The guideline covers all categories of violence including armed robbery, client based violence and occupational violence. As defined by the guideline, occupational violence includes bullying, intimidation, abuse of power, isolation, alienation of employees, and poorly managed conflicts of opinion or personality.

The 'Violence at Work' guideline is currently in its draft stage. A group of key tripartite representatives has been identified to participate in a working party to further refine the contents of the document. It is envisaged that the document will be released to the public in mid September.

3. The Department for Administrative and Information Services informs employers and employees of their rights and obligations and encourages the community to use the Government's employment relations initiatives. However, the Department does not see this as a priority relative to other issues. Similarly, WorkCover Corporation does not see bullying as a priority relative to other sources of injury and illness which are priority areas identified by WorkCover, or by high risk industries with whom WorkCover is working. WorkCover also believes that this matter will receive some attention in the broader context of a Guideline on 'Violence at Work'.

4. It is again inappropriate to deal with this issue by introducing further legislation. To the extent that this sort of behaviour causes an unsafe workplace, the Occupational Health Safety & Welfare Act, 1986, places obligations on employers and employees. The generality of the Occupational Health, Safety and Welfare Act, 1986, in particular section 19 (Duty of Care), already provides for welfare issues such as 'bullying'. It is considered that the inclusion of specific hazards within this section is not needed, given the all embracing approach of the legislation.

DRIVERS' LICENCES

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

1. How many people currently own a driver's licence in South Australia?

2. How many reportable traffic accidents occurred during 1996-1997?

3. How many people aged 70 and over own a driver's licence?

4. How many people aged 70 and over were killed in motor vehicle accidents in 1996-97?

The Hon. DIANA LAIDLAW:

1. As at May 1998, 903 930 people held a driver's licence.

2. In 1996, there were 162 fatal accidents, 6 347 injury accidents, and 32 433 property damage only accidents reported to police.

In 1997, preliminary figures indicate that there were 123 fatal accidents and 5 793 injury accidents reported to police. Property damage only figures are not yet available.

3. As at March 1998, 91 761 people aged 70 years or over held a driver's licence.

4. In 1996, 26 people aged 70 years or over were killed in motor vehicle accidents. Of these 26 people, there were 7 drivers, 8 passengers, 8 pedestrians and 3 cyclists.

In 1997, 24 people aged 70 years or over were killed in motor vehicle accidents. Of these 24 people, there were 10 drivers, 5 passengers, 7 pedestrians and 2 cyclists.

SA WATER ADVERTISING

168. **The Hon. T.G. CAMERON:** How much did the recent advertising campaign regarding the management of South Australian water called "Water—The Facts" cost the State Government, including newspaper, radio, television or any other costs?

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

The recent advertising campaign entitled "Water—The Facts" consisted of one full page advertisement which appeared in *The Advertiser* on Saturday May 2, 1998. The total media cost for this advertisement was $6 158.94.

SPEEDING

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

1. How many motorists were caught speeding in South Australia between 1 January 1998 and 31 March 1998 by—

(a) speed cameras;

(b) laser guns; and

(c) other means;

for the following speed zones—

60-70 km/h;

70-80 km/h;

80-90 km/h;

90-100 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—

(a) speed cameras;

(b) laser guns; and

(c) other means?

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

Speeding Offences Issued and Expiated During Jan-98 to Mar-98 (Speed Camera Offences)

	Issued		Expiated	
Vehicle Speed	Number	Amt $	Number	Amt $
Less than 60 km/h	771	113 394	966	136 377
60-69 km/h	53	10 506	80	14 967
70-79 km/h	59 959	7 868 937	49 395	6 432 903
80-89 km/h	6 298	1 076 312	3 866	681 384
90-99 km/h	6 868	1 030 388	4 726	681 412
100-109 km/h	3 394	506 349	2 673	378 197
110 km/h and over	529	117 659	323	67 770
Unknown	32	5 720	31	5 042
Total	77 904	10 729 265	62 060	8 398 052

Speeding Offences Issued and Expiated Jan-98 to Mar-98 (Non Speed Camera Offences)

	Issued		Expiated	
Offences Description	Number	Amt $	Number	Amt $
Exceed speed between school signs 15-29 kph	10	1 830	24	4 392
Exceed speed between school signs 30-44 kph	3	876	5	1 460
Exceed speed between school signs 45 kph and over	-	-	1	292
Exceed speed between school signs by up to 14 kph	1	118	9	1 062
Exceed speed certain heavy vehicles 15-29 kph	75	17 025	49	11 123
Exceed speed certain heavy vehicles by up to 14 kph	61	9 028	33	4 884
Exceed speed general 15-29 kph	71	12 991	53	9 697
Exceed speed general 30-44 kph	16	4 672	15	4 380
Exceed speed general 45 kph and over	5	1 460	1	292
Exceed speed general by up to 14 kph	31	3 658	25	2 950
Exceed speed omnibus 15-29 kph	1	227	-	-
Exceed speed passing school bus 15-29 kph	1	183	1	183
Exceed speed passing school bus by up to 14 kph	-	-	2	236
Exceed speed road works 15-29 kph	221	40 260	76	13 908
Exceed speed road works 30-44 kph	56	16 352	22	6 424
Exceed speed road works 45 kph and over	18	5 256	4	1 168
Exceed speed road works by up to 14 kph	46	5 428	30	3 540
Exceed speed school zone 15-29 kph	13	2 379	230	42 088
Exceed speed school zone 30-44 kph	2	584	82	23 944
Exceed speed school zone 45 kph and over	1	292	4	1 168
Exceed speed school zone by less than 15 kph	3	354	44	5 192
Exceed speed town 15-29 kph	7 353	1 344 304	5 747	1 051 691
Exceed speed town 30-44 kph	541	157 963	321	93 726
Exceed speed town 45 kph and over	36	10 512	27	7 884
Exceed speed town by up to 14 kph	4 112	484 973	3 750	442 495
Exceed speed zone 15-29 kph	2 998	548 077	2 337	427 669
Exceed speed zone 30-44 kph	396	115 632	254	74 168
Exceed speed zone 45 kph and over	66	19 269	45	13 137
Exceed speed zone by up to 14 kph	754	88 964	633	74 687
Speed ramp or jetty leading to a ferry 30-44 kph	2	584	-	-
Speed sign erected on or near bridge by up to 14 kph	3	354	4	472
Speed signs erected on or near a bridge 15-29 kph	16	2 928	6	1 098
Speed signs erected on or near a bridge 30-44 kph	5	1 460	1	292
Speed signs erected on or near bridge 45 kph & over	2	584	2	584
Speed w/in 30 mtrs school crossing by up to 14 kph	1	118	5	590
Speed within 30 metres of school crossing 15-29 kph	6	1 098	29	5 307
Speed within 30 metres of school crossing 30-44 kph	1	292	1	292
Total	16 927	2 900 085	13 872	2 332 475

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

1. How many motorists were caught speeding in South Australia between 1 january 1997 and 31 March 1997 by—

(a) speed cameras;

(b) laser guns; and

(c) other means

for the years—

1994-1995;

1995-1996; and

1996-1997?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—

(a) speed cameras;

(b) laser guns; and

(c) other means

for the years—

1994-1995;

1995-1996; and

1996-1997?

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

Speeding Offences Issued and Expiated During Jan-97 to Mar-97 (Speed Camera Offences)

	Issued		Expiated	
Vehicle Speed	Number	Amt $	Number	Amt $
Less than 60km/h	1 114	163 558	373	50 966
60-69 km/h	39	9 758	19	3 870
70-79 km/h	47 502	6 085 173	37 393	4 699 700
80-89 km/h	4 252	750 710	2 802	493 243
90-99 km/h	5 026	739 712	3 688	509 268
100-109 km/h	1 260	218 103	716	117 738
110 km/h and over	1 069	171 421	1 734	245 645
Unknown	1 149	161 229	639	86 320
Total	61 411	8 299 664	47 364	6 206 750

Speeding Offences Issued and Expiated Jan-97 to Mar-97 (Non Speed Camera Offences)

	Issued		Expiated	
Offences Description	Number	Amt $	Number	Amt $
Exceed speed between school signs 15-29 kph	156	28 230	114	20 618
Exceed speed between school signs 30-44 kph	57	16 341	29	8 365
Exceed speed between school signs 45 kph and over	2	578	1	289
Exceed speed between school signs by up to 14 kph	18	2 101	25	2 925
Exceed speed certain heavy vehicles 15-29 kph	49	10 919	24	5 325
Exceed speed certain heavy vehicles 30-44 kph	1	289	-	-
Exceed speed certain heavy vehicles by up to 14 kph	43	6 278	27	3 942
Exceed speed general 15-29 kph	87	15 710	72	12 977
Exceed speed general 30-44 kph	17	4 909	10	2 882
Exceed speed general 45 kph and over	2	578	4	1 148
Exceed speed general by up to 14 kph	31	3 626	19	2 233
Exceed speed omnibus 30-44 kph	1	289	-	-
Exceed speed passing school bus 15-29 kph	1	181	2	362
Exceed speed passing school bus 30-44 kph	1	289	-	-
Exceed speed passing school bus 45 kph and over	1	289	-	-
Exceed speed passing school bus by up to 14 kph	-	-	1	117
Exceed speed road works 15-29 kph	293	52 954	93	16 733
Exceed speed road works 30-44 kph	107	30 919	30	8 670
Exceed speed road works 45 kph and over	13	3 753	3	863
Exceed speed road works by up to 14 kph	42	4 892	25	2 903
Exceed speed school zone 15-29 kph	606	109 686	123	22 263
Exceed speed school zone 30-44 kph	147	42 483	20	5 780
Exceed speed school zone 45 kph and over	19	5 491	4	1 156
Exceed speed school zone by less than 15 kph	78	9 126	23	2 691
Exceed speed town 15-29 kph	8 848	1 598 897	6 670	1 204 905
Exceed speed town 30-44 kph	642	185 083	414	119 013
Exceed speed town 45 kph and over	52	15 008	36	10 376
Exceed speed town by up to 14 kph	5 116	598 149	4 607	538 087
Exceed speed zone 15-29 kph	3 799	686 881	2 889	521 798
Exceed speed zone 30-44 kph	556	160 200	325	93 579

Speeding Offences Issued and Expiated Jan-97 to Mar-97 (Non Speed Camera Offences)

	Issued		Expiated	
Offences Description	Number	Amt $	Number	Amt $
Exceed speed zone 45 kph and over	83	23 967	66	19 054
Exceed speed zone by up to 14 kph	1 001	117 000	860	100 349
Speed passing a stationary tramcar 45 kph & over	1	285	-	-
Speed sign erected on or near bridge by up to 14 kph	14	1 632	9	1 047
Speed signs erected on or near a bridge 15-29 kph	31	5 596	13	2 348
Speed signs erected on or near bridge 45 kph & over	2	578	2	578
Speed vehicle with more than 8 passengers 15-29 kph	-	-	1	224
Speed w/in 30 meters school crossing 45 kph & over	1	289	-	-
Speed w/in 30 mtrs school crossing by up to 14 kph	12	1 404	34	3 972
Speed within 30 meters of school crossing 15-29 kph	34	6 149	38	6 878
Speed within 30 meters of school crossing 30-44 kph	8	2 204	6	1 626
Total	21 972	3 753 233	16 619	2 746 076

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

1. How many motorists were caught speeding in metropolitan Adelaide by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means
   for the years—
   1994-1995;
   1995-1996; and
   1996-1997?

2. Over the same period, how much revenue was raised from speeding fines in metropolitan Adelaide by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means
   for the years—
   1994-1995;
   1995-1996; and
   1996-1997?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police of the following statistics covering motorists caught speeding in metropolitan Adelaide:

Speeding Offences Issued and Expiated During 1994-95 to 1996-97 Speed Camera Offences (by camera location)

	Metro				*Unknown				Total			
	Issued		Expiated		Issued		Expiated		Issued		Expiated	
Year	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $
1994-95	165 724	18 189 850	126 055	13 612 838	3 291	374 352	2 034	226 326	169 015	18 564 202	129 903	13 839 164
1995-96	131 439	16 693 678	95 775	11 694 350	2 757	339 884	1 837	218 103	134 196	17 033 562	98 457	11 912 453
1996-97	251 590	33 800 908	183 310	24 072 566	4 003	548 893	2 467	328 673	255 593	34 349 801	188 053	24 401 239

*SAPOL database is unable to break down the unknown figures which related to either the metropolitan or country areas.

Speeding Offences Issued and Expiated During 1994-95 to 1996-97 Non Speed Camera Offences (by issuing officer location)

	Metro				*Unknown				Total			
	Issued		Expiated		Issued		Expiated		Issued		Expiated	
Year	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $
1994-95	15 908	2 524 327	12 347	1 935 652	1 759	265 494	1 509	224 832	17 667	2 789 821	13 856	2 160 484
1995-96	45 535	7 974 325	31 742	5 511 853	3 543	598 128	1 829	303 479	49 078	8 572 453	33 571	5 815 332
1996-97	63 793	10 912 551	48 264	8 129 943	1 813	305 801	2 476	414 158	65 606	11 218 352	50 740	8 544 101

*SAPOL database is unable to break down the unknown figures which related to either the metropolitan or country areas.

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

1. How many motorists were caught speeding in country South Australia by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means
   for the years—
   1994-1995;
   1995-1996; and
   1996-1997?

2. Over the same period, how much revenue was raised from speeding fines in country South Australia by—
   (a) speed cameras;
   (b) laser guns; and
   (c) other means
   for the years—
   1994-1995;
   1995-1996; and
   1996-1997?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police of the following statistics covering motorists caught speeding in country South Australia:

Speeding Offences Issued and Expiated During 1994-95 to 1996-97 Speed Camera Offences (by camera location)

	Country				*Unknown				Total			
	Issued		Expiated		Issued		Expiated		Issued		Expiated	
Year	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $
1994-95	2 332	276 382	1 814	211 515	3 291	374 352	2 034	226 326	5 623	650 734	3 848	437 841
1995-96	1 015	136 732	845	110 296	2 757	339 884	1 837	218 103	3 772	476 616	2 682	328 399
1995-96	2 866	434 540	2 276	331 596	4 003	548 893	2 467	328 673	6 869	983 433	4 743	660 269

*SAPOL database is unable to break down the unknown figures which related to either metropolitan or country areas.

Speeding Offences Issued and Expiated During 1994-95 to 1996-97 Non Speed Camera Offences (by issuing officer location)

	Country				*Unknown				Total			
	Issued		Expiated		Issued		Expiated		Issued		ExpiateD	
Year	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $	Number	Amt $
1994-95	9 134	1 341 726	7 443	1 080 283	1 759	265 494	1 509	224 832	10 893	1 607 220	8 952	1 305 115
1995-96	9 013	1 474 511	7 228	1 158 496	3 543	598 128	1 829	303 479	12 556	2 072 639	9 057	1 461 975
1996-97	14.343	2 413 887	10 927	1 810 406	1 813	305 801	2 476	414 158	16 156	2 719 688	13 403	2 224 564

*SAPOL database is unable to break down the unknown figures which related to either metropolitan or country areas.

SPEED CAMERAS

212. **Hon. T.G. CAMERON:**

1. On how many occasions were speed cameras located at or near the original bridge over the Murray River at Murray Bridge for the years—
   (a) 1996-97; and
   (b) 1997-98?
2. How many motorists were caught by speed cameras, laser guns or other means on the original bridge over the Murray River at Murray Bridge for the years—
   (a) 1996-97; and
   (b) 1997-98?
3. At what speed percentiles were they caught?
4. How much revenue was raised as a result?

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

Speeding Offences Issued and Expiated During July 1997 to May 1998—Non Speed Camera Offences
Offence Location—Town Bridge (Murray Bridge)

	Issued		Expiated	
Offences Category	Number	Amt $	Number	Amt $
Speed Sign Erected on or Near Bridge by up to 14 kph	1	118	1	118
Speed signs erected on or near A bridge 15-29 kph	21	3 843	6	1 098
Speed signs erected on or near a bridge 30-44 kph	2	584	1	292
Speed signs erected on or near bridge 45 kph & over	1	292	1	292
Total	25	4 837	9	1 800

(Figures for 1996-97 are not available because offence locations are not recorded)

TOTALIZATOR AGENCY BOARD

213. **The Hon. R.R. ROBERTS:**

1. What was the off course and the on course TAB takings for the Mount Gambier harness race meeting on 21 January 1998?
2. Why cannot all clubs get access to the on and off course turnover at all meetings covered by the South Australian TAB?

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information:

1. The TAB off-course turnover for the meeting was $54 590. The TAB on-course turnover for the meeting was $3 535. It should be noted that although this is referred to as TAB on-course turnover, the facility is actually provided by TAB as an agent of the club.

2. Of those meetings for which TAB provides on-course betting services as an agent of the relevant racing club, TAB advises the club of the on-course turnover for the meeting.

In relation to off-course turnover details for race meetings, the TAB does not provide this information to the respective clubs because the turnover relates solely to TAB off-course betting activities and, as such, is commercially sensitive information.

TAB does provide consolidated off-course turnover details for each racing code to the Racing Industry Development Authority (RIDA) on a regular basis. These details are available to racing clubs on request from RIDA through the club's respective racing authority, but do not include information at club level.

TAB is prepared to provide the off-course turnover details relative to a specific racing club for special event meetings of the club, if requested by the club through the appropriate channel being either the SAHRA, SAGRA, SATRA or RIDA. TAB does not provide this information at the direct request of a club.

SCHOOL FEES

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

1. How much will be raised by material and service charges through State school fees during 1997-98?
2. How much is estimated will be raised during 1998-99?
3. (a) How many payments are still outstanding for 1997-98; and
   (b) How much in total is still owed for 1997-98?
4. Are parents legally obligated to pay State school charges that are set over and above the scheduled fees as determined by Parliament?

The Hon. R.I. LUCAS: The Minister for Education, Children's Services and Training has provided the following information:

1. Schools raised $24.1 million through parent contributions during the school financial year of 1 November 1996 to 31 October 1997. The parent contributions included materials and services charges, curriculum levies, excursions and camps. It is estimated that the amount of materials and services charges as part of this overall parent contribution was approximately $18.5 million.

During 1998 the maximum legally enforceable materials and services charge is $154 for primary students and $205 for secondary students and it is estimated that approximately $19 million will be collected during the school financial year of 1 November 1997 to 31 October 1998.

2. It is estimated that the level of funds raised during 1998-99 in materials and services charges will be consistent with the 1997-98 school year.

3. As the school financial year is from 1 November 1997 to 31 October 1998 the total outstanding in materials and services charges is still unknown. The amount outstanding for 1997 (as at 31 October 1997) was $900 000.

4. Any fees over and above the scheduled fee as determined by Parliament are voluntary and parents are not legally obligated to pay.

TRANSPORT PLAN

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

1. Has the State Government completed the comprehensive integrated transport plan promised during the 1993 State election?

2. If not, when will it be completed?

3. Will it be released publicly?

The Hon. DIANA LAIDLAW:

1. Good progress has been made. Preliminary work identified that the best long-term outcome required transport planning generally to be integrated within the broader context of metropolitan planning—rather than being developed in isolation or as one document. The Access section of the Metropolitan Planning Strategy, released January 1998, reflects this approach.

Currently work is underway to develop/refine strategic plans for Transport modes that underpin the Planning Strategy, including the metropolitan road network, public transport, cycling, freight, travel demand and unprotected road users.

2.&3. The Cycling Strategy has already been released (1997). It is intended that all other Transport mode strategies will be released—and in each instance that they form an integral part of the Metropolitan Planning Strategy, which is itself part of a dynamic process.

SPEED CAMERAS

217. **The Hon. T.G. CAMERON:** How many speed camera expiation notices were discarded by the police for whatever reason during 1997-98?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Police that 156 824 speed camera notices (photographs) were rejected during the period July 1997 to May 1998.

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

1. Are Police Security Services Division speed camera operators currently required to keep a log book of times and locations where they set up speed camera equipment?

2. Who decides where a speed camera is located on any particular day—the operator, or the supervisor?

3. Do speed camera operators work in shifts?

4. If so, what time are the shifts in operation?

5. How many speed cameras are operating in each of the shifts?

6. What is the annual salary of a speed camera operator?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that:

1. The speed camera operators at the Police Security Services Division maintain an Operators Statement and Operators Log for each camera location worked. The Statement and Log contain relevant information relating to the operation of the speed camera.

2. The locations to be worked are determined by the Traffic Research Intelligence Section by way of a three weekly program. The Senior Camera Operator may alter the program to reflect specific requirements, ie complaint locations; near country locations. Any changes are advised to Traffic Research Intelligence Section.

3. Yes.

4. Shifts commence at 0600 and are completed by 2400 hours unless specific operations are required outside of these hours.

5. There are between ten and eleven operators in each team, taking into account leave and sick leave; between eight and eleven operators are on each shift.

6. Operators' salaries vary depending on their commencement level and shifts worked. Each operator works rotating seven day rosters which include penalties for weekends and public holidays. In 1997-98 financial year the average annual salary for speed camera operators was $28 887.26.

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

1. In total, how many speed camera kerb-side hours did members of the Police Security Services Division undertake during—

(a) 1996-97; and

(b) 1997-98?

2. Have the number of speed camera shifts undertaken by the Police Security Services Division increased between—

(a) 1996-97; and

(b) 1997-98?

3. If so, by how much?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that:

1. The Speed Camera Unit of Police Security Services Division produced the following kerbside hours:

(a) 1996-97—27 472.13 hours

(b) 1997-98—33 927.28 hours

2.& 3. The number of speed camera shifts undertaken by Police Security Services Division between 1996-97 and 1997-98 have not increased.

MOTOR VEHICLES, REGISTRATIONS

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

1. How many four cylinder motor vehicles were registered for 3, 6, 9 or 12 months during—

(a) 1996-97; and

(b) 1997-98?

2. How much revenue was raised for each of the periods as a result?

3. How many six cylinder motor vehicles were registered for 3, 6, 9 or 12 months during—

(a) 1996-97; and

(b) 1997-98?

4. How much revenue was raised for each of the periods as a result?

5. How many eight cylinder motor vehicles were registered for 3, 6, 9 or 12 months during—

(a) 1996-97; and

(b) 1997-98?

6. How much revenue was raised for each of the periods as a result?

The Hon. DIANA LAIDLAW:

1. (a) There were 525 701 four cylinder vehicles registered during the financial year 1996-97. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 845 436, with 293 798 registered for 3 months, 280 341 for 6 months, 12 669 for 9 months and 258 628 for 12 months.

(b) There were 535 319 four cylinder vehicles registered during the financial year 1997-98. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 956 160, with 432 652 registered for 3 months, 250 220 for 6 months, 14 736 for 9 months and 258 552 for 12 months.

2. Revenue * raised for each period was—

1996-97	$
3 months	25 135 174
6 months	47 388 509
9 months	2 829 614
12 months	86 430 266
1997-98	
3 months	38 582 488
6 months	44 631 869
9 months	3 432 340
12 months	92 389 986

3. (a) There were 357 463 six cylinder vehicles registered during the financial year 1996-97. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 562 812, with 207 928 registered for 3 months, 172 474 for 6 months, 7 691 for 9 months and 174 719 for 12 months.

(b) There were 363 176 six cylinder vehicles registered during the financial year 1997-98. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 644 156, with 301 404 registered for 3 months, 153 963 for 6 months, 8 311 for 9 months and 180 478 for 12 months.

4. Revenue * raised for each period was—

1996-97	$
3 months	24 104 709
6 months	36 592 164

9 months	2 220 175
12 months	86 825 959
1997-98	
3 months	35 830 802
6 months	34 527 755
9 months	2 497 162
12 months	94 673 493

5. (a) There were 53 237 eight cylinder vehicles registered during the financial year 1996-97. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 92 913, with 42 910 registered for 3 months, 29 488 for 6 months, 1 133 for 9 months and 19 382 for 12 months.

(b) There were 52 669 eight cylinder vehicles registered during the financial year 1997-98. The number of registration transactions (new registration and renewal) arising from these vehicles totalled 103 039, with 59 081 registered for 3 months, 24 015 for 6 months, 1 142 for 9 months and 18 801 for 12 months.

6. Revenue * raised for each period was—

1996-97	$
3 months	5 729 231
6 months	7 215 954
9 months	388 800
12 months	10 232 683
1997-98	
3 months	8 084 531
6 months	6 161 508
9 months	418 886
12 months	11 292 006

* The figures given for revenue raised comprise registration charges, administration fees, CTP premiums, stamp duty on CTP and stamp duty on value.

EQUAL OPPORTUNITY

236. **The Hon. T.G. CAMERON:** How many cases were referred to the Equal Opportunity Tribunal and the Human Rights and Equal Opportunity Commission for the following years and, of those cases, how many were referred with the assistance of the Commissioner—

(a) 1993-1994;

(b) 1994-1995;

(c) 1995-1996; and

(d) 1996-97?

The Hon. K.T. GRIFFIN: I provide the following response:

1.

	1993-94 Cases	1994-95 Cases	1995-96 Cases	1996-97 Cases
Human Rights & Equal Opportunity Commission Referrals	3	6	**30	**92
Equal Opportunity Tribunal Referrals	*75	6	24	25
Total Referrals	78	12	54	117
Referrals with Assistance				
Human Rights & Equal Opportunity Commission				
Equal Opportunity Tribunal	1	3	3	6
Total Referrals with Assistance	1	3	3	6

* One complainant made 67 complaints in 1993-94

** Many of the 1995-96 and 1996-97 complaints were lodged in preceding years and were the focus of a concentrated effort to clear the backlog.

NB: Please note that two terms for counting have been used i.e. cases and matters. There are different definitions for each. Further explanation can be given if required.

2. Cases Referred To The Human Rights And Equal Opportunity Commission

No cases are referred to the Human Rights and Equal Opportunity Commission with the assistance of the Commissioner for Equal Opportunity.

The provision of assistance does not apply as it is not part of the Federal Acts. In the Federal arena complaints are referred as unconciliated and are heard by a Federal Hearing Commissioner.

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

1. (a) Has the strategy to reduce the time taken to resolve complaints proposed in the 1996-97 Report of the Commissioner for Equal Opportunity been implemented?

(b) If so, what indicators have been used to determine its success?

2. Of the matters referred with the Commissioner's assistance, how many of these complaints were found to have substance?

3. Of the remaining matters, how many were withdrawn by the complainant, or settled prior to or during consideration, or were dismissed by the tribunal for lacking in substance?

The Hon. K.T. GRIFFIN:

1. Strategy To Reduce The Time Taken To Resolve Complaints

Yes, the strategy to reduce the time taken to resolve complaints proposed in the 1996-97 Annual Report of the Commissioner for Equal Opportunity has been implemented.

In the 1995-96 Annual Report the Commissioner identified an urgent need to review the complaint handling function of the Commission. In 1996 a substantial backlog of complaints needed attention. At the end of the 1995-96 financial year, there were 813 complaints on hand and unfinalised.

In response to this situation a special team was formed to undertake the review of old files and to finalise protracted cases. As a result of their efforts, 1026 cases were finalised between July 1996 and June 1997; of these cases, 45 per cent had been open for more than twelve months.

The success of the backlog clearing exercise made it possible to implement a new complaint handling system from March 1997.

As stated in the 1996-97 Annual Report 'statistical analysis of the reporting period indicates that the new complaint handling system has begun well.' The indicators used include:

- the percentage of complaints finalised in comparison to those received. In the reporting period, the Commission finalised more complaints than it received.
- comparison of the number of cases on hand from June 1996 to June 1997. 813 complaints were on hand at June 1996; twelve months later the figure was 403. This represents a halving of cases on hand in the last financial year.
- the length of time that cases are opened in comparison to the previous reporting period. Of the cases on hand, significantly fewer had been open for more than six months—compared with the previous reporting period.
- the number of referrals and declinations in all areas. Overall, there was a greater number of referrals and declinations in all areas.

With the implementation of a new complaint handling data base it will be possible to provide more specific measures of times taken in complaint handling processes.

2.&3. Matters Referred to the Equal Opportunity Tribunal with the Commissioner's Assistance

During the 1996-97 reporting year four matters were referred to the Equal Opportunity Tribunal with the Commissioner's assistance.

One was settled before hearing. Three proceeded to full trial of which two were dismissed due to lack of substance and one was found to have substance.

DRY AREAS

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

1. In the past five years, how many people have been charged with violating 'dry areas' established under section 131 of the Liquor Licensing Act?

2. Of those, how many have been Aborigines?

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

Year	Aboriginal	Others	Total
1993-94	15	57	72
1994-95	11	49	60
1995-96	8	52	60
1996-97	14	44	58
*1997-98	*4	*40	*44
Total	52	242	294

* 1997-98 are preliminary figures only.

DRIVING OFFENCES

239. **The Hon. T.G. CAMERON:** Between 1 July 1997 and 30 June 1998, how many motor vehicle drivers were charged with

driving, either without a current licence, or an unregistered vehicle, and were then subsequently found to be innocent?

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police of the following figures relating to the 1997-98 financial year:

1 July 1997 to 30 June 1998

Driving while licence suspended/cancelled	1491
Driving without a licence	1754
Driving unregistered vehicle	3381

The figures relating to those drivers subsequently found not guilty by the courts are unavailable from police records.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

The University of Adelaide—Report 1997
Racing Act 1976—Greyhound Racing Rules—Principal
By-laws—District Council—
Barossa—No. 9—Height of Fences, Hedges and Hoardings Near Intersections
The University of Adelaide—Legislation made by the Council

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

Regulations under the following Acts—
Daylight Saving Act 1971—1998-99 Summer Time
Fisheries Act 1982—Rock Lobster Fisheries—General
South Australian Ports Corporation—Charter

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

Regulations under the following Acts—
Psychological Practices Act 1973—Fees
Road Traffic Act 1961—Declaration of Hospitals
North Western Adelaide Health Service—By-law
Development Act 1993—Report on the Interim Operation of the City of Port Adelaide Enfield—Enfield (City) Development Plan—Former Hillcrest Hospital Land Plan Amendment.

WATER QUALITY

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement, relating to water contamination, made earlier today in another place by my colleague the Hon. Dorothy Kotz, Minister for Environment and Heritage.

Leave granted.

QUESTION TIME

SERCO, INDUSTRIAL DISPUTE

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

Leave granted.

The Hon. CAROLYN PICKLES: I was interested to hear and later read of the Minister's outrage upon learning of the industrial dispute at Serco which commenced on Friday 31 July. I will quote from *Advertiser* of 1 August where the Minister is reported to have said, 'I think it's thuggery tactics and they've lost the plot.' She continued:

> A hard line rump of TWU members have taken the most extreme form of industrial action available and essentially without notice.

Ms Laidlaw's comments indicated that the TWU gave no notice of the dispute and the industrial action. However, Mr Alex Gallacher, secretary of the TWU, has indicated that the Minister was given full notice of impending industrial action more than two weeks before the dispute. Despite this, however, the Minister decided to incite a bit of union bashing instead of taking constructive action—that is, if one believes her rhetoric about concern for passengers. I believe we are seeing a ministerial pattern emerge: ignore advice, do nothing and then drop a bucket. Does this sound familiar? My questions to the Minister are:

1. Was the Minister formally advised by the TWU of the industrial dispute and the impending action and, if so, when and by whom?

2. Why did the Minister publicly state that no notice was given and why did she choose to do nothing but come in at the eleventh hour when it was clearly too late?

3. Will the Minister confirm Serco's statement that its contract with the Government provides for no wage increases?

The Hon. DIANA LAIDLAW: I understand that the contract, which is not directly with the Government but with the Passenger Transport Board, provides for increases and that increases have been granted to reflect the transport price index. If the honourable member wants me to bring back more information on that matter I can do so, because it will confirm what I have said about the increases that bus operators have received during the term that Serco has had the contract with the Passenger Transport Board.

Yes, I did receive advice from Mr Alex Gallacher about action that the union might take if its negotiations with Serco were not satisfactory, but that was two weeks ago. The honourable member may be aware that one week ago Mr Gallacher was also on the radio indicating that actions and discussions with Serco appeared to have reached a satisfactory conclusion. That was a public statement, and it was not refuted.

Further, I would say that the honourable member has got a little confused—and that is putting the most generous reflection on this. My comments last Friday in the form of a press statement about no notice of industrial dispute being given were not in relation to any correspondence from the union: they related to the wildcat action taken by the union without notice being given to the public. It was the public that I was concerned about, and for good reason, because at the last minute Serco was faced with a 24 hour bus strike. I know that it went to the Industrial Court to seek an injunction and was not heard until 4.45 p.m. on that Thursday. At 6.30 p.m. that Thursday I received advice and, through my office, promptly asked the Passenger Transport Board and TransAdelaide to put out statements to all passengers that, within less than 12 hours, after many of them had gone home that night and may not have had their radio or television on, they could not rely on passenger bus services operated by Serco the next day but that there would be an option through TransAdelaide to take the train (if they could get to the train) and that they could ring the passenger information line—and to advertise that.

I asked my office to ring the South Australian Taxi Association to see what action it could take and to alert the public and taxi drivers that there would be as many taxis on the road to take people to work or to school. I know, too, that a number of Serco bus operators were equally concerned as I that passengers would be stranded at the bus stop because the union had given them so little notice of the strike action and therefore had given so little warning for people to make alternative plans. Some of the bus operators engaged by Serco who did not want to participate in this industrial action took

the initiative of going out in their own cars to bus stops along routes upon which the buses would normally operate to alert people that the buses were not operating that day.

Some bus operators actually took passengers who would normally have been on the buses to their destination or to the railway station, or they alerted passengers that because the buses were not operating they may seek not to go to their destination as they wished that day, and I commend that action. I will continue to deplore action by any union, particularly a public transport union operating in the public transport field, that does not give priority to its customers. That is why I made the statements last Friday morning.

The Hon. T. CROTHERS: By way of supplement, how much profit has Serco expatriated to its parent company in England since its operation in South Australia?

An honourable member interjecting:

The Hon. T. CROTHERS: Well, the Attorney—

The PRESIDENT: Order! The honourable member has asked his supplementary question.

The Hon. DIANA LAIDLAW: As I understand it, the price bid by Serco was particularly lean. While you would always hope that any company could make some income on a contract, I would highlight to the honourable member that no public transport service makes a profit. It remains very heavily subsidised to the degree of $136 million of taxpayers' money each year.

ELECTRICITY, PRIVATISATION

The Hon. P. HOLLOWAY: Given the Government's appointment of Morgan Stanley as principal advisers for the sale of the State's electricity assets, will the Treasurer tell the Council whether this is the same Morgan Stanley that has just paid Orange County, California, $A114 million to settle a damages claim over investment advice after the county went bankrupt with losses of $A2.6 billion?

The Hon. R.I. LUCAS: I will take advice on that and bring back a reply.

FOOD LABELLING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about food labelling.

Leave granted.

The Hon. L.H. Davis: You're really dragging the bottom of the barrel.

The Hon. T.G. ROBERTS: If they had dragged the bottom of the barrel I think they would have got you, Mr Davis.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: The question relates to consumer concerns about current labelling practices in relation to particular organic products in terms of genetic manipulation of a lot of primary products—eradiation. Concerns have been raised by diabetics about the failure of labelling to accurately reflect sugar levels within those products. The question of organic products and labelling is an issue for this State in particular. Radiation is a Commonwealth responsibility and genetic manipulation, which I suspect we do not do a lot of in Australia, is a major concern to consumers because we may be importing food that has been genetically manipulated. As you would be aware, Mr President, growers of organic produce are able to attract a premium from people who are health conscious and who want to have food free of weedicide, pesticide and other accumulated contaminants.

It is difficult for legitimate organic food growers in this State to be recognised despite much hard work registering their products and going through the whole process of recognition when alongside organically grown products other people can set up as organic food producers, and consumers have difficulty telling the difference between the legitimate product, which involves much extra time, energy, effort and finance, and products that are not legitimate. My questions relate to the four categories, in the view of consumers, of poorly labelled products:

1. Does the Government believe that the current labelling system is adequate? (I understand that many State Governments have had a long history of trying to get adequate labelling.)

2. If not, why not?

3. What steps are being taken by State and Liberal Governments to accommodate those consumer concerns?

The Hon. DIANA LAIDLAW: The Government shares many of the concerns expressed by the Hon. Mr Roberts in his explanation. The Minister responsible for health met with other Ministers responsible for food laws last week to canvass these issues. I do not have all the outcomes of that conference with me but I should be able to bring back a reply in the near future in answer to all the honourable member's questions.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

In reply to **Hon. SANDRA KANCK** (28 May).

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

1. A response was provided by the Attorney-General to the Hon. Ian Gilfillan MLC in this House on 26 May 1998. The response was in some detail and it is not necessary to repeat all of the detail at this time. As indicated previously, the Government is aware of the NHMRC report and the need for an interagency response. The work of an interagency group looking at the recommendations has not been completed, although the NHMRC report is an expert report which should be considered carefully by all agencies in responding to this serious problem.

2. In line with the recommendations that a multi-model approach should be used, the Child and Adolescent Mental Health Service teams in South Australia do work in a multi-model manner. All participants know that pharmaceuticals are only one component of a treatment program necessary to minimise the effects of this disorder.

A consistent approach to management of referred patients has been negotiated between the Northern and Southern Child and Adolescent Mental Health Service teams to ensure appropriate management is available across the State. Some variations will occur in country offices due to the different mix of staff available and the need to negotiate appointment times with families. Appointments are usually available within two weeks, although provision is made where it is considered that a child/young person is judged to be a danger to themselves or to other people. In such cases, an urgent appointment can be arranged.

3. The Child and Adolescent Mental Health Services give priority to those families who are socially or economically disadvantaged and refer patients to other agencies where it is seen that their services will not meet all the child's needs. These include educational facilities.

4. Extensive debate in the literature and in the community occurs as a response to the difficulty in establishing appropriate criteria by which the diagnosis of ADHD can be made. Opinions vary and, while it is acknowledged there are a significant number of children affected by this disorder, the actual number varies from country to country. It is said to be as high as 5 per cent in the United States, although it is considered to be much lower in Australia, perhaps of the order of 1.5 per cent of children. This reflects a wide variation in the behaviour of children in whom ADHD may be considered. It is, therefore, likely that some misdiagnosis may occur and needs to be

guarded against, both at the upper end of the behavioural problem and at the lower end.

The matter of inappropriate prescribing is always of concern. However, at this time, it is not believed there is widespread inappropriate prescribing, although this matter needs constant review and is of concern both to the Medical Board of South Australia and to the Public and Environmental Health Division of the South Australian Health Commission (Department of Human Services). There are as many proponents for increased prescribing as there are for decreased prescribing, with varying levels of scientific research support, and this makes it difficult to make definitive value statements concerning these matters. However, it is important that we continue to keep these issues under scrutiny.

ADELAIDE FESTIVAL CENTRE

In reply to **Hon. R.R. ROBERTS** (9 July).

The Hon. DIANA LAIDLAW: The Festival Theatre was built in the early 1970s at a time when it was common to use asbestos as fire proofing for structural aspects of buildings. Asbestos was used for this purpose in the Theatre.

In the mid 1980s the Trust engaged a certified asbestos removal organisation to carry out an asbestos removal program.

In 1993, pursuant to Occupational Health and Safety Regulations, an asbestos register was compiled by an independent consultant and identified asbestos in fire doors, vinyl floor tiles, gaskets on machinery, some stormwater pipes and some external cement sheet bulkheads.

In April 1993, an independent consultant carried out testing of the air-conditioning and certified that no asbestos fibres were found in the airflow.

Following the compilation of the asbestos register, an asbestos management plan was developed to ensure that friable asbestos was removed and remaining stable asbestos was examined annually to ensure maintenance of stability.

Prior to the commencement of the current capital works program as part of the risk management program, a further investigation of areas to be worked on during the capital works program was carried out. Some traces of asbestos that were previously unknown to be in the building were discovered in this process. Baseline monitoring was conducted in all levels of the auditorium and the results were negative.

In March 1998, a revised management plan was developed to ensure that the asbestos was safely removed. Monitoring and testing procedures were implemented during that process. All removal was carried out in accordance with Department for Industrial Affairs guidelines and supervision.

During the current capital works program other small amounts of asbestos have been found which had not been previously identified in the independent assessment. This includes a presence in some air-conditioning ducts, discovered on 7 July 1998. Where asbestos has been identified the usual risk management strategy (including immediate isolation of affected areas) has been implemented and removal carried out under strict DIA guidelines.

As a safe guard, monitoring procedures were carried out on 9 and 10 July in all other areas even though there was no physical evidence that asbestos was present.

Immediately following the removal of the asbestos from the affected air-conditioning ducts, air monitoring was carried out. The tests, conducted on 21 July have shown that the asbestos has been removed and the independent consultants have advised that it is totally safe to operate the air-conditioning units.

Mr Jack Watkins of the UTLC and a member of the Asbestos Management Board has been actively engaged in monitoring the AFCT's actions and has indicated his total support with the action being implemented to date.

At no time during the process to remove the asbestos from the air-conditioning system has there been any risk to public safety. Accordingly, the theatre was available for the 25th Anniversary Gala Concert on 31 July 1998.

HOSPITALS, PATIENT TRANSFERS

In reply to **Hon. G. WEATHERILL** (30 June).

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

Advice received from the North Western Adelaide Health Service indicates that on four occasions since May 1998 the Queen Elizabeth Hospital (TQEH) and Lyell McEwin Health Service have achieved full occupancy. The effect of this was there was no ability for TQEH to admit emergency patients to ward beds during the hours 11 p.m. to 4 a.m.

In order to ensure patient safety and comfort, the patients involved were seen in the Emergency Department at TQEH, assessed by medical and nursing staff and provided with emergency care and then transferred to the RAH for admission.

In total, 11 patient transfers have occurred on these four occasions; June 14, 25, 26 and July 5, 1998.

The RAH receives no additional funding for these patients and provides the care as a component of its normal workload.

The situation of full occupancy at hospitals occurs from time to time due to seasonal pressure on workload and is constantly monitored.

The people of South Australia may be assured the hospital system is flexible enough to ensure emergency patients requiring hospital admission will be provided with an appropriate quality of care.

SPEED MONITORS

In reply to **Hon. T.G. CAMERON** (8 July).

The Hon. DIANA LAIDLAW: The Speed Watch device marketed by Amazing Concepts is one of a number of similar products being offered for sale to the public. A similar device is fitted as standard to some new vehicles.

While it is appreciated that Amazing Concepts is seeking to target a specific group, and that the product may be a useful aid for drivers, it is not considered appropriate for the Government to be seen as endorsing a particular product brand, or to give one supplier a commercial advantage over other suppliers.

The demerit points warning notice seeks to convey a strong message to drivers that further offences will result in loss of licence. There is clear evidence that this type of notice is effective in bringing about a change in the behaviour of some drivers. The enclosing of advertising material in these notices is not supported, as it is likely to detract from the message the notice seeks to convey.

MOTOR VEHICLE EMISSIONS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about car exhaust fumes.

Leave granted.

The Hon. SANDRA KANCK: In an opinion piece in the *Advertiser* on 16 February this year, Professor Paul Davies raised the issue of diesel fumes and carcinogenic substances, claiming that the two most carcinogenic substances known come from trucks. In the article he referred to an inversion layer which had occurred persistently over the city in the previous week and he went on to blame vehicle emissions. He claimed that, while we are putting a lot of money into campaigns regarding speed and alcohol, more people are being killed by vehicle pollutants each year and that no-one is particularly interested in this fact. I sympathise with Prof. Davies, because I find that increasingly I have to turn off the fresh air intake of my car when I am driving behind another car that is belching smoke and fumes. My questions to the Minister are:

1. Does the Minister agree with Prof. Davies that more people are being killed each year by vehicle pollutants than by road traffic incidents? If so, will she provide relevant figures?

2. What vehicle exhaust emission standards does South Australia have in place and for which chemicals, and how often are these updated against scientific literature?

3. What actions are police taking to defect cars which are clearly emitting more than their fair share of chemicals, and will the Minister provide details of the number of cars defected for exhaust emissions each year for the past five years?

4. In the light of Prof. Davies' claims, does the Minister consider that a more concerted campaign should be conducted by police?

The Hon. DIANA LAIDLAW: I have been looking to see whether I have some advice at hand on the programs undertaken between Transport SA, the Environment Protection Authority and the police in terms of vehicle emissions and smoky vehicles, as they are commonly called, but I do not have that information. Therefore, I will bring back detailed replies for the honourable member. I highlight that, when I last inquired, advice from police is that an increasing number of random checks that they undertake on our roads on a regular basis involve the defecting of cars for smoky exhausts. Those cars, with defect notices attached, must have their defect remedied and be returned to either the police or Transport SA for that defect notice to be lifted. Transport SA and the Environment Protection Authority have established a hotline for the reporting of smoky vehicles, and that has attracted about 3 000 calls since it was implemented. Those calls are then followed up, in addition to the random checks undertaken by the police. As I have prepared answers to questions from constituents on the same subject in recent times, my office has all this information at hand, and I will provide it to the honourable member, hopefully, this week.

The Hon. L.H. DAVIS: By way of supplementary question, is the Minister aware that a recent study, published in the *Age* newspaper, Victoria, indicated that there had been a dramatic reduction in carbon emissions as a result of the introduction of catalytic converters that had resulted in a dramatic improvement in the air in Melbourne? Could the Minister provide this information to the Council, and could she advise also the Council, perhaps on notice, whether similar studies are undertaken in Adelaide, which may well allay the Hon. Sandra Kanck's concerns and, in fact, point to an improvement?

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I will get the information for the honourable member on the Melbourne study and seek to ascertain whether similar research is undertaken here. I highlight that one of the issues here is the age of our vehicles in Australia and in South Australia, which is higher than the average of OECD countries generally. Also, the issue has often been raised that newer vehicles do not tend to have the same emission levels as older vehicles. That is a relevant fact. Also, in the past we have brought before this Parliament a reference on compulsory vehicle inspections. The Environment, Resources and Development Committee, on which the Democrats are represented, did not support the compulsory inspection of vehicles, but that has certainly been advocated as one issue that should be explored again in terms of emissions.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I raise this matter because there seems to be a contradiction in the Democrats between concern about the environment and emissions and age of vehicles, and compulsory inspections of vehicles. I am keen to see the issue of compulsory inspections re-explored by the Parliament through the Transport Safe joint standing committee, a motion in respect of which is before the House of Assembly at present.

TRANSPORT, FARE EVASION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about fare evasion on metropolitan train services.

Leave granted.

The Hon. J.S.L. DAWKINS: Over a period of years I have often taken the opportunity to travel on the excellent Gawler Central train service run by TransAdelaide. During that time, I, together with other train travellers, have been concerned about the number of passengers who show their disrespect for the system by failing to pay their fair share of the cost of running public transport. Indeed, paying customers become highly irritated when they see others cheating the system by either failing to travel with a ticket or, if they do have a ticket, failing to validate it. However, in recent weeks I have noted greater scrutiny of rail passengers on the Gawler Central line. In fact, my ticket has been checked on three out of four recent trips. Does the Minister consider that fare evasion is a problem; and, if so, what is being done to reduce its incidence?

The Hon. DIANA LAIDLAW: I think that, in turn, I should ask the honourable member whether on each occasion on which his ticket was checked he had validated his ticket and paid the correct fare.

The Hon. J.S.L. Dawkins interjecting:

The Hon. DIANA LAIDLAW: You did? That's good. This is not only an issue for passengers who do validate their ticket and who become increasingly irritated by people whom they witness getting on the train and either not caring enough about the system or simply defying it by not validating their ticket but it is also a source of irritation for train drivers because the number of trips, the subsidy per trip and the cost of rail operations overall are calculated on the basis of validations.

I think it is highly important that we obtain a true reflection of the popularity of rail in this State because that is critical in terms of future investment policies for rail in this State. It is not only important to obtain the amount of revenue to which rail is entitled from the number of people travelling but also to get a true reflection of its popularity. I am not thrilled that the honourable member's ticket has had to be checked three times, but I can state that a deliberate and concerted campaign through a partnership between the Passenger Transport Board and TransAdelaide began on 12 July and will continue until further notice.

In addition to our eight passenger service attendants, a further 22 passenger service attendants have been authorised to check tickets and issue notices to passengers who either have not validated their ticket or have the wrong ticket. We are supplementing that effort and the teamwork that is involved to cover the rail system with our 20 field supervisors who generally are assigned to buses. They are now working overtime to complement the teams of passenger service attendants who are working on the trains under what we call our fare compliance program.

In addition, the transit police, when available, are supplementing this effort. I can advise that 1 915 services out of a total of 6 191 services that were run in the period 12 July to 27 July have been checked. A total of 93 530 tickets were checked during that time, and that includes the Hon. Mr Dawkins' three. A total of 3 011 offences were detected, and that is about 3.2 per cent of the one-third of services that were checked during that time. The prosecutions area of the PTB

is now considering whether simply warnings will be issued or whether the offences will generate expiation notices.

What I do know is that the passenger service attendants, field supervisors and police have generally been well received on the trains by the people who are not cheating deliberately and by those who did not necessarily understand how to validate their ticket or know of the need to carry a concession card when seeking to travel on a concession ticket. So, it is an information and education effort as well as an enforcement effort.

ETSA EXECUTIVES

The Hon. R.R. ROBERTS: Can the Treasurer tell the Council whether plans exist to terminate the employment of the ETSA Chief Executive Officer, Mr Clive Armour, and, if so, what is the cost of the payout? Will there be any stipulation as regards the severance of the services of Mr Clive Armour or any other senior executive of ETSA or Optima to prevent their being employed or hired as a consultant by any bidder for the purchase of ETSA or Optima before or during the sale process, should such a sale proceed?

The Hon. R.I. LUCAS: The Government hopes to be in a position in the very near future, possibly in the next 24 hours, to announce the successful executives of the new businesses that will operate our electricity business as we move into the national electricity market by November. There has been a process of interview, where those interested applicants were interviewed by a panel, and recommendations have come to me. We are in the process of contract discussions at the moment.

As I said, in the very near future I hope to be in a position to announce the names of the successful applicants. That will, in a large part, answer the questions that the honourable member has put to me. If there are any other aspects that remain outstanding as regards the honourable member's questions after I have made that announcement, I will be happy to take them on notice and forward a reply expeditiously to him.

The Hon. P. HOLLOWAY: As a supplementary question, does the Treasurer's answer mean that Mr Armour is under consideration for any of those positions, which is contrary to press reports?

The Hon. R.I. LUCAS: The Government will not indicate who are the applicants for the various positions, but obviously all the applicants were under consideration by the panel for those positions.

The Hon. R.R. ROBERTS: As a further supplementary question, has any attention, of which the Minister is aware, been given to the second part of my question in relation to caveats against future employment as consultants to any bidder for the purchase of ETSA or Optima?

The Hon. R.I. LUCAS: The Government always gives appropriate attention to all relevant aspects of any decision that it takes. Should there be any circumstances that are covered by the nature of the question that the honourable member—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Should there be anything that pertains to that, not just in relation to the person to whom the honourable member has referred but indeed to other executives who might be employed by ETSA and Optima, clearly the issue that the honourable member raises is an important one and, as with all decisions, these sorts of matters will be given due attention by the Government before it announces its decisions. As I said, I imagine that in the very near future the Government will be in a position to announce the names of the successful applicants to head the new organisations, subject to contractual arrangements and a range of other issues having been satisfactorily resolved, as must happen before any announcements of this nature can be made.

ELECTRICITY, PRIVATISATION

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Treasurer a question on the topic of the Office of the Regulator-General in Victoria.

Leave granted.

The Hon. A.J. REDFORD: Last week, I had the opportunity to visit the office of the Victorian Regulator-General, who has responsibility for electricity and water and potential responsibility for gas prices and delivery in the State of Victoria. During the course of my meeting at his office, I was provided with a copy of the 1997 annual report, and I noted that the Victorian Regulator-General reported a number of achievements in relation to the deregulated electricity industry in Victoria.

The report noted that there had been a capacity improvement in brown coal generation; that prices are now lower than anticipated; that four new retail licences have been granted in that 12 month period; that there had been a 10 per cent cut in power costs for consumers eligible to shop around, and nearly 7 per cent for all other consumers; that disconnections for non-payment had been reduced by 30 per cent; that minutes off supply had been reduced by something in the order of 7 per cent; that there had been a new supply code of conduct; that three distribution businesses provided no fault power surge cover to residential consumers; and that some providers had voluntarily doubled the penalty for failing to provide a contract of electricity service. I note that all this has occurred in the space of 2½ years since the Victorian industry was first partially deregulated.

I also had the opportunity to visit Ballarat last week, and I note as a consequence of Victoria's improved financial situation that, in a city of 80 000, the Kennett Government is spending some $80 million in capital expenditure in that town.

Also, I was provided with a copy of a media release dated 10 July 1998 from the Office of the Regulator-General in Victoria, where the Regulator-General, Dr Tamblyn, stated:

> On face value, the improved profitability of the businesses, coupled with their improved or maintained service performance, is consistent with the outcome that the regulatory regime is intended to produce for the long-term benefit of customers.

I was also provided with a copy of a comparative performance document for the electricity distribution businesses for the calendar year 1997, and I note that it is packed full of information, including 11 pages which set out problems that might have occurred at each specific substation in the provision of electricity and a detailed explanation as to what caused it and what reaction the relevant generator took to correct it. I might note, being a member of the Statutory Authorities Review Committee, that for some 12 months under the able chairmanship of the Hon. Legh Davis we received no such detailed information concerning consumer benefits.

In view of all that, I ask whether the Treasurer is confident that the South Australian industry will achieve a similar result

in the light of the deregulation under the national electricity market and any consequences arising from any potential sale of our industry in South Australia.

The Hon. R.I. LUCAS: I, too, had the pleasure of meeting with Dr Tamblyn earlier this year in the early stages of the Government's contemplating this particular sale process. I was impressed with the work that had been done by the Regulator-General and his staff in a relatively short space of time in Victoria. At that time—and it was prior to the release of his most recent report—he indicated that they were doing a lot of work in terms of trying to be much more specific about the information that they were providing. He said that in the early reports they reported outage times or minutes off supply for the whole of the State—it might have been for the whole of the metropolitan area and the whole of the country, I am not sure; but they were aggregate figures. Dr Tamblyn stated that they were going to collect the information for towns and locations and much more specific regions because the aggregate concealed in some ways areas of very good performance and other areas where performance needed to be improved.

They had hoped to provide more detailed information (and they have obviously started the process in the most recent report) so that people who live in Bendigo, Warrnambool, or wherever it happens to be in Victoria, will over a period of time be able to study the performance of their distribution company, the outage time or minutes off supply. Clearly, if it improves they can enjoy it but, if for some reason it is not improving, they are in a position to lay a complaint with the independent Regulator-General and to seek some response from him in relation to any concern or issue.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Weather conditions are important, but they are not the only issue.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: No, that is true. There might be some who take a different view. Weather is an issue, and the amount of dust that is left on lines in certain areas because of weather conditions is also important, together with other aspects which relate to the performance of assets. Some are beyond the control of operators but, as a result of maintenance programs, washing or cleaning of lines, etc., they are able to reduce the periods off supply or outage time.

We did have some difference of opinion, if I could put it mildly, with the Deputy Leader of the Australian Democrats about an earlier statement she had made about the performance of the privatised industry in Victoria. However, the independent Regulator-General has reported a further 9 per cent improvement in the aggregate figures. I do not have the report with me, but from recollection I think the aggregate figure off supply was about 199 minutes for the most recent year, and prior to privatisation it was about 250 minutes. So, there has been some 20 per cent improvement.

As I indicated earlier, that figure was much higher back in the early 1990s: it was about 400 minutes to 500 minutes outage or minutes off supply during that period. Not only the reporting on aggregate information but also the detail to which the honourable member has referred in the report will place consumers in a much more informed position than they are now. Let us forget about comparisons between Victoria and South Australia (we always like to do better than Victoria if we can) and look at the sort of information that consumers will have in the future compared with now under a publicly operated utility. I am sure all members are interested, but if any honourable member was particularly interested in consumer aspects of the sale of ETSA and Optima, it is relevant to compare the information which will be provided by the Independent Regulator with what is provided by the current system which is publicly owned and operated by Ministers and politicians who control publicly—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: But one can compare the amount of information which is available under the current model with the amount of information which will be available under the new independent model, where someone is not wearing a two hats. A Minister of the Government, whether Liberal or Labor, is always wearing two hats. First, as a member of the Government he is not wanting to see too much public heartache on a variety of issues, if that is at all possible, and he is trying to minimise that for the Government.

As well, being the owner of the assets he would want to maintain the dividend flow and income flow, and he also has that potentially conflicting priority of being the protector of consumers' interests, that is, considering the appropriate price level that the consumers should be charged and the level of service and standard. At the moment, under the current model a politician—a Government Minister—is responsible for both, and must try to strike an appropriate balance. Under the new model, ownership will be separated from the consumer protection interests. The regulator will be there to protect the consumer in matters of service, supply and price and the owner will be there to argue for his or her own interests in relation to protecting shareholder return. So, I commend the honourable member's question. I also commend the Independent Regulator's report. If any other members would prefer to have a copy of that report rather than having to go to Victoria, I will be happy to provide them with a copy.

PRISON VIOLENCE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Justice a question about violence within the prison system, particularly at Port Augusta.

Leave granted.

The Hon. IAN GILFILLAN: As members would know, in our prison system we have inmates who are defined as protectees. They are generally kept segregated from other prisoners because they are at risk of severe bashing or possibly death at the hands of other inmates. Every prison system has to deal with protectees. However, recent reports that have reached me, particularly from the Port Augusta gaol, indicate that protectees in South Australia are not being protected. I have been told of three recent attacks at that gaol. My informant was able to give the names of victims who were bashed on 6 and 8 July. A second informant told me that one of the two victims was very seriously injured and may still be in hospital. I was also told that a third attack on a protectee at Port Augusta, this time a knife attack, took place just last Saturday, on 1 August.

Members will recall that twice before I have raised in this Chamber the matter of the constitution of a body which is supposed to be the watchdog of the State's prisoners but which has been defunct for more than two years. The Correctional Services Advisory Council was empowered to go into any prison at any time to check on conditions. However, for two years the Government has seen fit to ignore section 13(3) of the Correctional Services Act which requires the Minister to appoint members to the Correctional Services Advisory Council. We have twice had assurances from the

Attorney-General claiming that appointments would be made. The most recent assurance was on 30 June, his words on that occasion being:

> The filling of the vacancies is imminent . . . I would expect that the vacancies will be resolved within a matter of weeks.

This assurance came after two years of inaction, so it is not as if the Government has not had time to fill the vacancies. Yet, as far as I can determine, still no appointments have been announced to that body—the Correctional Services Advisory Council. So, I ask the Minister for Justice:

1. Will he investigate these reported bashings at Port Augusta gaol on 6 and 8 July and 1 August?

2. Will he determine exactly in which division of the gaol they occurred, which of the victims were protectees and what injures they sustained?

3. In a general context, what do the statistics reveal about the rate of violent incidents and injuries in South Australian prisons in relation to both protectees and others? If there is a discernible trend in this area over a period of years, will the Minister give in his answer his opinion about whether he regards that as satisfactory?

4. What steps will be taken to improve security in South Australian gaols, especially for protectees?

5. When will members be appointed to the Correctional Services Advisory Council?

The Hon. K.T. GRIFFIN: No, I will not personally investigate, but I will arrange for the question to be referred to the Minister for Police, Correctional Services and Emergency Services and bring back a reply for the honourable member in relation to the matters to which he referred. With respect to the Correctional Services Advisory Council, when I answered the question only four or five weeks ago my understanding was that it was imminent. That is still my belief, but I will obtain some information for the honourable member. I think it is unfair to link the absence of the Correctional Services Advisory Council to the alleged assaults—colourfully described by the honourable member as 'bashings'—because there is the visiting justice system, which is equally effective in terms of access to the prisons. There is also the Ombudsman, who has unlimited access, and if any inmate in the prison system has a concern then the inmate is certainly entitled to consult the Ombudsman without any interference by the authorities. The range of issues raised by the honourable member alleging assaults and other matters I will have referred to the Minister and bring back a reply.

The Hon. IAN GILFILLAN: As a supplementary question: does the Attorney acknowledge that the Correctional Services Advisory Council does have an investigative role of alleged abusive practices within the prison system; and what does he mean by the word 'imminent'?

The Hon. K.T. GRIFFIN: What I said—imminent—and I will find out when it is imminent. I do not have the Act in front of me so I am not prepared to confirm that the Correctional Services Advisory Council has an investigative role. Personally, I would be surprised if that council did get into the nitty-gritty of investigations of the nature of the responsibilities that would normally be attached to law enforcement officers. Obviously, if offences have been committed—and an assault in prison is as much an offence as an assault out of prison—then the appropriate law enforcement authorities would be involved.

SOUTHERN EXPRESSWAY

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Southern Expressway.

Leave granted.

The Hon. CARMEL ZOLLO: Members may be aware of a series of questions I have placed on file regarding the year 2000 date problem, otherwise known as the Y2K problem or millennium bug. I thank the Minister for her response to question 192 on 1 July 1998. I asked in that question whether the Southern Expressway and its component systems were year 2000 compliant. The response from the Minister was:

> The Southern Expressway Traffic Management System is Year 2000 compliant.

On Saturday 1 August, the Minister for Administrative and Information Services was reported in the *Advertiser* saying that the year 2000 problem had now blown out to reach $118 million. This is a huge, 33 per cent increase from the estimated $78 million included in the budget estimates provided only about 10 weeks ago. The Minister was reported as saying that the public transport ticketing system may fail Y2K compliance. He said that the Passenger Transport Board may send a delegation to France to hold talks on replacement computer chips for the system. The article also reported a list of problems to be fixed, which included traffic lights along with control systems and boom gates for the Southern Expressway.

In the light of this article, will the Minister assure this Chamber that her response tabled only a month ago remains accurate? If this is not the case, how much will it cost to repair the system? Who will be responsible for the repairs, given that the expressway was opened for use only late last year? Is the public transport ticketing system defective and how much will it cost to make it Y2K compliant? Who will be part of the delegation to France?

The Hon. DIANA LAIDLAW: Clearly, the Minister for Administrative Services is not as well informed on this subject as I would have wished him to be, because the Southern Expressway in all respects is Year 2000 compliant. It was one of the requirements when Philips was awarded the traffic monitoring system contract. So, I can give the honourable member that guarantee in terms of the boom gates and electronic traffic intelligence systems on the Southern Expressway.

The Hon. Carmel Zollo: He's wrong.

The Hon. DIANA LAIDLAW: I said he was not as well informed as I would have wished him to be. In terms of traffic lights, generally the work in relation to research is being undertaken in New South Wales, and South Australia will benefit from that study. Provision has been made in the Transport SA budget for all the traffic signals for which it is responsible. I am not sure about the Adelaide City Council, which is responsible for its area of responsibility, but I will follow that up with the council. In terms of the Passenger Transport Board, the Government has provided up to $1 million. That was the maximum assessment by the Passenger Transport Board that would be needed to make the Crouzet ticketing system compliant. That may well involve a number of officers going to France. That would only be if we cannot—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Of course that is a possibility. We should have negotiated this before you so readily agreed to support the committee structure. But it would only be necessary to send officers from the Passenger Transport Board—not from this Parliament—to France if there is any concern at all that our needs cannot be addressed by June of next year. A big demand has been building up in France for Crouzet and other software produced by the company from which we purchased the Crouzet system 11 or 12 years ago. As I say, officers may go. It is not apparent at this stage that that will be necessary. I can give an undertaking to the honourable member that across the Government this is a matter of major concern. Across the transport portfolio, investment has been made and will continue to be made. All the funds required have been allocated to make sure that there is no mishap across the big transport portfolio in the personal computers, traffic lights, Crouzet ticketing system, the Southern Expressway or the train system.

RAAF EDINBURGH SQUADRON

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Treasurer, representing the Premier, a question about the No. 10 squadron based at the Edinburgh RAAF base.

Leave granted.

The Hon. J.F. STEFANI: Recently, I was advised that options are being considered to improve the efficiency and operation of the Orion RAAF squadron based at Edinburgh. I understand that the Canberra bureaucracy is exploring the option of relocating the RAAF No. 10 squadron to the Pearce Air Base in Western Australia. Will the Premier communicate with the Minister of Defence to check whether any relocation plans are being considered for the No. 10 squadron? Will the Premier advise me of the response he receives from the Minister of Defence?

The Hon. R.I. LUCAS: I will certainly pass on the question to the Premier and bring back a reply.

EMERGENCY SERVICES FUNDING

In reply to **Hon. IAN GILFILLAN** (2 June).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency services has advised that the Community Emergency Services Levy is being introduced to address many of the inequities inherent within the current complex system of insurance levies, State and local contributions to our emergency services.

Advice provided from the Insurance Council of Australia is that 31 per cent of residences, and 20 per cent of small business are not insured. As these individuals, along with the many others who underinsure or use other premium minimisation methods, will now contribute to emergency services funding, the overall impact on those who are fully insured would be less under the new system.

As far as individual premium amounts are concerned, this guarantee cannot be made. Apart from the difficulty in determining what is "fully insured", there are significant differences in premium based on actuarial factors such as location, actual insured risk, nature of associated risks (e.g., burglary), structure type, claim history, increasing exposure, etc. Added to this are variations based on levels of excess and the commercial approaches taken by insurance companies (i.e., a company may sell some product in certain areas more cheaply so as to gain market share). There will be significant reductions to property insurance premiums as a result of this legislation. These reductions may amount up to 30 per cent of premium, but the actual reduction will depend on the features of individual policies.

The review report identified potential net savings to the State of between $2 million and $3 million dependent on the total budget of the new fund. Given increases in State stamp duty in the 1998-99 budget this net benefit is expected to be reduced to between $0.3 million and $3 million. This amount will remain part of general revenue and be available to Treasury for application in the reduction of State charges provision of general community benefits or other purposes.

Local Government was identified in the review report as potentially recovering some $9 million in outlays from the implementation of the Community Emergency Services Fund. Initial discussions on the options and opportunities for returning this benefit to the community have commenced, with the aim of identifying specific benefits to the community.

FOREIGN DEBT

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Treasurer some questions about componentries of Australia's foreign debt.

Leave granted.

The Hon. T. CROTHERS: In an article in a special edition of *News Weekly* of 13 June this year, eight pages of print were devoted to this nation's foreign debt. Australia's foreign debt currently stands at $220 000 million—and rising. Approximately one-third of this debt is held by Governments, whilst the other two thirds is held by the private sector. This two thirds is valued at approximately $150 000 million. The article asserts that one of the worst consequences of Australia's foreign debt blow-out has been 15 years of high real interest rates that have strangled small business and farmers. Such a regime has made long-term capital investment uneconomic, whilst encouraging a casino economy with short-term speculative investment in the property, stock and bond markets. Further on, the same article asserts, 'If Australia can wind back the foreign debt in a few years,' then like Singapore it can run its own economy. Further, the article states:

> If we are less reliant on inflows of foreign capital, then we can manage our own money supply and interest rates, without seeing foreign financial capital flee the country.

All economists admit that a substantial component of our foreign debt is contributed to by the expatriation of profits out of Australia by overseas based companies who own Australian assets. I have not yet seen any economic figure which accurately defines the question of expatriated profits in a given year. All economists will assert that, whilst it is not less than $3 000 billion per year, it could go as high as $10 000 billion. I would also stress that these figures have been arrived at after subtracting the amount of capital which flows into Australia from foreign companies owned by Australians. Some of the major privatisation sales of Australian assets which have taken place since 1990 have been of that ilk.

Some of those sales by both sides of the Federal Government include: Telstra, the airports, Commonwealth Bank, Qantas, Moomba to Sydney pipeline and the Commonwealth Serum Laboratories. In the same period the Victorian Government has sold off Citipower, Powercor, Eastern Energy, Solaris Power, United Energy, Tancorp and the State Insurance Office; while Western Australia and Queensland have sold off BankWest and Gladstone Power. Of course, we in South Australia have not been indolent in the field of privatisation. We have sold off the Bank of South Australia and SA Water, with other sales such as ETSA in the Government pipeline.

The Hon. L.H. Davis: SA Water has not been sold.

The Hon. T. CROTHERS: Well, it might as well have been; you're ponging again.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: Thank you for your protection, Mr President. As well as those mentioned, we have also sold off other Government-owned instrumentalities. I know that by far and away the major ownership of the Government assets I have listed have been bought out by foreign capital. Bear in mind, I have listed these Government assets without mentioning the privately owned Australian companies that have been taken over recently by overseas controlled capital. With the foregoing in mind, I direct the following questions to the Minister:

1. Does the Minister believe that the high level of Australian foreign debt has led in the main to South Australia paying high interest rates over the past 15 years?

2. Does he believe that the high level—

The Hon. L.H. Davis: Absolute rubbish!

The Hon. T. CROTHERS: I should not respond to interjections: where ignorance is bliss, it is a folly to be wise.

The PRESIDENT: The honourable member's time is running out.

The Hon. T. CROTHERS: Does the Minister believe that the high level of foreign ownership of Australian and South Australian companies and assets leads to this nation's foreign debt becoming even greater because of the expatriation of profits earned here in Australia and South Australia?

3. Should the sale of ETSA go ahead, does the Treasurer believe that this sale, too, will further adversely affect this nation's and this State's level of foreign debt?

The Hon. R.I. LUCAS: Given that I have seven seconds, I will take the honourable member's questions on notice, do the appropriate consultation and bring back a reply as soon as I can.

The PRESIDENT: I remind the Hon. Mr Crothers that his explanation was just short of five minutes and a lot of it was debate.

The Hon. T. CROTHERS: Mr President, I—

The PRESIDENT: The honourable member will please resume his seat. With respect, I ask that all members do not engage in debate in the explanation to their question. I have made this point before. Members should stick to the facts and ask the question.

The Hon. T. CROTHERS: Mr President, I rise on a point of explanation. Of recent times a close study of *Hansard* will reveal that my questions have been exemplarily brief.

The PRESIDENT: Exactly what is the honourable member's point of order?

The Hon. T. CROTHERS: Mr President, you have picked me up but let other members, who have gone for a much longer period of time than I have, proceed without cautioning them. That is my personal explanation.

The PRESIDENT: The honourable member asked to take a point of order, and there is no point of order.

POLICE BILL

In Committee.

Clause 1.

The Hon. P. HOLLOWAY: I wish to summarise the Opposition's view about the Bill. When the Bill passed the House of Assembly, during the Committee stage the Minister, Hon. Iain Evans, had great difficulty answering questions asked by the Opposition. Also during that debate he conceded that the Bill was deficient. Time and again the Minister repeated that he would be negotiating with the Police Association about a number of the matters raised. Indeed, he did that, but I make the point that the Opposition does not believe that was a particularly good way in which legislation should be developed. We believe negotiation should take place before the legislation is debated in either House of Parliament, rather than towards the end of the process. Nevertheless, that has now happened and the Opposition welcomes that development.

I now wish to comment about the Minister handling the Bill. In this morning's paper he is now tipped to be a new Cabinet Minister, but I hope he organises legislation better next time and speaks to the relevant stakeholders before the legislation comes into the Parliament rather than afterwards. As a result of the discussions, the Government has tabled a series of amendments to the Bill which mitigate many of the undesirable aspects that the Opposition sees in the Bill. Further, the remaining undesirable features of the Bill are largely covered by amendments to be moved by the Hon. Ian Gilfillan. The Hon. Mr Gilfillan's amendments have come about as a result of consultation with the Police Association and, rather than tabling similar amendments in this Chamber, the Opposition will be supporting the amendments of the Hon. Mr Gilfillan.

The one exception is to the Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Amendment Bill, which we will be dealing with immediately after this Bill. We have a disagreement there and we will be going further, and I will indicate that at the appropriate time. Together, the amendments tabled will have the effect of dismantling the most objectionable contract system which was originally proposed by the Government for all police officers of or above the rank of senior constable. We will debate how that will come about in the later clauses.

It is rather incredible that this Government should have such little respect for members of the South Australia Police that it could ever contemplate eroding their employment conditions in such a manner in the first place. Also, it was necessary to partly restore the delicate balance that must exist between the Executive and the powers of the Police Commissioner. With the passage of the amendments, we would at least be able to have a great improvement. We look forward to the debate and the passage of the amendments, which will clear up a very inadequate Bill in the way it was originally introduced into the Lower House.

The Hon. K.T. GRIFFIN: We can either have an acrimonious debate or a debate that deals with the issues. The State Government does have respect for the South Australia Police and is working with the Commissioner and police in respect of a wide range of matters. I take exception to the assertion that the way in which the Bill was drafted in any way reflects a lack of confidence in the South Australia Police.

The Hon. R.R. ROBERTS: I missed the opportunity to make a second reading contribution. Therefore, I will utilise my opportunity on the following Bill to make a more substantial contribution because it would be improper of me to launch into a second reading speech at this stage. I reinforce the point made by my colleague the Hon. Paul Holloway in respect of this Bill because we have a long history, since this Government came into power with a great deal of fanfare, of promises with respect to police. Most of those pledges and commitments to the public have been substantially altered. The spin doctors have changed the

proposition from 200 extra police to 200 police on the beat and a whole range of other matters. My colleague made the point that the Government shows little respect for the people of South Australia, policing and the police force and this is borne out by the fact, without descending to the acrimonious debate to which the Attorney referred, that it gives this very important portfolio dealing with the security of citizens—it has a large impact on that—of South Australia to a junior Minister. This portfolio is under a junior Minister and is a fair indication of the Government's attitude. However, I will not get involved in a protracted debate at this point.

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: The facts are there before us. The Attorney-General does not like it. He has the portfolios of Police and Emergency Services under a junior Minister. He does not even give them the credibility of a Cabinet position. I could refer to the incidence of demanning, and a whole range of other things that you have done to the police force. You want these people be incorruptible and you do not want to suffer temptation, but you give them no respect. The people of South Australia expect our police to be properly resourced, properly paid and adequately backed up by Government and given some respect. The people of South Australia are demanding the same thing. I am digressing, but I will come back to the State when the next Bill comes forward, because there is plenty more to come.

The Hon. K.T. GRIFFIN: I will try to improve the tone of the debate by indicating that the fact that a non-Cabinet Minister has the specific responsibility for Police, Correctional Services and Emergency Services is no sign of disrespect or otherwise in relation to whether it is a matter of the Police, Correctional Services or Emergency Services, because it comes under a broader portfolio of Justice. Those who have had anything to do with the way in which the system of Cabinet and non-Cabinet Ministers works will know that there is a close relationship between the Cabinet Minister and the non-Cabinet Minister. In the case of myself and the Hon. Iain Evans, there is regular consultation, and we together will meet with the Commissioner of Police and his officers, and there have been discussions also with the association on a variety of issues, although in relation to this Bill, those more recent consultations have been between the Minister for Police, Correctional Services and Emergency Services, and the association. I hope after that little outburst by the honourable member that we can now get down to debating the real issues of this Bill. I note that it has passed the second reading. It will pass in some form or another. It may well go to a deadlock conference. Let us just get on with the job.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. P. HOLLOWAY: My question is in relation to the deletion of the word 'force' from South Australia Police. There are many people like me who, out of habit, will continue to refer to the police force. I ask the Attorney-General, as someone who has been around this Government for a long time, what is the problem with the word 'force'?

The Hon. K.T. GRIFFIN: The object was to move away from the military hierarchical structure that is associated with the word 'force'. A professional body certainly depends upon a rank in many respects, but also—

The Hon. P. Holloway: And enforce the law.

The Hon. K.T. GRIFFIN: But 'force' as used in 'SA Police Force' does not have any connotation of enforcement but is more aligned to the historical development of South Australia Police as an hierarchical military structured organisation. I think the Commissioner, the police generally and the Government are happy to move away from that description to something which is much more in tune with the times.

Clause passed.

Clause 5 passed.

Clause 6.

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

Page 3, line 20—Leave out 'the' (first occurring) and insert: 'any written'.

Clause 6 provides:

Subject to this Act and the directions of the Minister, the Commissioner is responsible for the control and management of SA Police.

My amendment is to insert the word 'written' and, whilst it is implicit in clause 8 that the directions have to be in writing, this amendment to clause 6 puts the issue beyond doubt.

The Hon. IAN GILFILLAN: The Democrats support the amendment; it is similar to one we have on file.

The Hon. P. HOLLOWAY: I support the amendment.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8.

The Hon. IAN GILFILLAN: I move:

Page 3, lines 26 and 27—Leave out 'in relation to enforcement of a law or law enforcement methods, policies, priorities or resources'.

The amendment will ensure that the Minister provides a copy of any direction given to the Commissioner, as required in paragraphs (a) and (b), is published in the *Gazette* and laid before each House of Parliament. The significance of the amendment is that it deletes any limitation which might be inferred by the words 'in relation to enforcement of a law or law enforcement methods, policies, priorities or resources'. My amendment deletes those words, because they do not restrict the effectiveness of the clause in any way. It opens it up and makes it more accountable in a complete sense.

The Hon. K.T. GRIFFIN: The amendment is opposed. It would have the effect of requiring all directions given by the Minister to Commissioner of Police to be tabled in Parliament and published in the *Gazette*. I remind members that the police are part of the Executive arm of Government. In a system of responsible Government, there must ultimately be a Minister answerable in Parliament and to Parliament for any Executive operation. The police differ from other parts of the Executive in that they have an independent discretion to investigate and prosecute breaches of the law. Members should recall that in my second reading response I set out the history of the present section 21(1) of the Police Act 1952. If necessary, I can go back and reiterate that, if members cannot recollect the content of that contribution. The section was designed to make it clear that the Minister could give the Commissioner directions about matters of law enforcement and, if he did, those directions would be made public.

However, there is nothing sacrosanct about the Minister giving directions to the Commissioner of Police on what may be termed non-operational matters. In clause 8, the distinction between operational and non-operational matters is drawn. It is only in relation to the operational matters that directions given by the Minister are required to be published. That distinction between operational and non-operational matters was, as I said in my reply, recognised also by the Wood royal

commission as an appropriate division. I also said in my second reading reply that the recommendation of the 1970 royal commission—and I referred to that at length—again had the same sort of emphasis. Clause 8 in the Bill seeks to implement the recommendation of that 1970 royal commission.

I point out also that there is nothing unusual about distinguishing between in this instance operational and non-operational matters. In respect of the operational matters no direction can be given except if it is in writing and published. On non-operational matters, directions can be given, for example, by the Director of Public Prosecutions, in the statute if the Attorney-General is not able to give the DPP directions except in a way which becomes tangible in relation to the exercise of his statutory responsibilities. For instance, the Attorney-General cannot be directed by the Cabinet in respect of the exercise of certain discretions which are traditionally the responsibility of the Attorney-General but can be and is bound by Cabinet in other areas.

So, the distinction between those functions where it is proper to give directions and those areas where it is not proper is not unknown. The Government believes that as the Commissioner has responsibility under the Public Sector Management Act for a significant number of public sector employees covered by that Act he is, therefore, in a somewhat different position from being Commissioner for Police. However, in terms of the way in which SA Police is managed, there are issues which are not of an operational nature where it would be quite appropriate for directions to be given. So, that distinction exists and it is quite appropriate. For those reasons, I oppose the amendment.

The Hon. P. HOLLOWAY: The Opposition supports the Hon. Ian Gilfillan's amendment. If this amendment is carried by the Committee it will have the effect of ensuring that any direction that the Minister gives to the Police Commissioner is published in the *Gazette*. The Minister for Justice bases his case against the Hon. Ian Gilfillan's amendment on the basis that there is a differentiation between operational and non-operational directions.

One of the problems I foresee is that a direction from the Minister that may be technically non-operational may have the effect of in some way influencing the operational activities of the police force. Even if it is not technically or specifically non-operational in its effect, it may in an indirect way influence operations. I think the safest way of dealing with this is to ensure that all directions that the Minister gives to the Police Commissioner are made public. I do not think there would be so many directions that this would create a problem. On that basis, the Opposition supports the Hon. Ian Gilfillan's amendment.

The Hon. K.T. GRIFFIN: I hope to be able to explore this matter later because I think that what the honourable member suggests is a nonsense. In the day-to-day administration of Government and the South Australian police, if there is a Commissioner who is difficult, who will not provide information about the budget, who decides to embark upon—

The Hon. P. Holloway: Why should the public not know about that? If the Commissioner is difficult, shouldn't we all know that?

The Hon. K.T. GRIFFIN: Because then there may on many occasions be directions in relation to administration. In the Public Service written directions are not given to the CEO on every administrative matter. It would become unworkable. If there is a difficult Commissioner who wants to embark upon an area of administration which duplicates what is happening in government, why should a direction to refrain from getting involved in that have to be in writing and published in the *Gazette*?

There is a legitimate concern about operational matters—and we have recognised that in the amendment to clause 6 which has been carried—because the police have an independent discretion. Whether you are a constable or the Commissioner, you have an independent discretion as to whether or not you should make an arrest or take other action. No-one is seeking to get involved in that other than by a written direction, but the moment you get into administration you have myriad matters upon which there may need to be made if not a direction then certainly a request.

For example, a parliamentary question may be sent to the Commissioner requiring an answer to be delivered by a certain date. That happens in the normal course: we want the answer by a certain date. If it takes longer, we ask for an explanation. Fortunately, the Commissioner is helpful and responsive to requests for that sort of information. However, if this is included in the Bill in such a broad fashion we may well reach the point where, if a parliamentary clerk merely requires a response to a question by a certain date, that can be construed as a direction. I do not think members would be interested in that, but that is one of the possible outcomes. We need to work through some solutions to those sorts of requirements.

The Hon. IAN GILFILLAN: I hope this may be a catch-all for all the debate and hassle that might ensue, otherwise we might be here for a week. The fact is that SA Police is not another branch of the Public Service. SA Police is a separate entity and must be treated separately. It must be looked at from a constructive point of view as being at arm's length from interference by Government in its day-to-day administration. Whatever may be the petty encumbrances that are created by this amendment, they will be monstrously outweighed by the advantage of having an absolutely guaranteed and patently clear line of communication between the Minister and the Commissioner.

The Hon. K.T. Griffin: That's not what the Wood Royal Commission said.

The Hon. IAN GILFILLAN: This is the South Australian Parliament, and we are dealing with SA Police. This is why this legislation should be dealt with in this context. I am prepared to listen, as I have in the past, to the argument that has been put forward, but I want to make clear that because a certain practice pertains throughout the public sector it does not carry any weight with me that automatically it should apply to SA Police.

The Hon. K.T. GRIFFIN: The Government will not call for a division. The Opposition and the Democrats have indicated their position, and we have a clear indication of where this is going. The fact that the Government does not call for a division should not be construed as a sign of weakness.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11.

The Hon. IAN GILFILLAN: I move:

Page 4, lines 32 and 33—Leave out paragraphs (c) and (d).

These matters will be dealt with by way of a further amendment. My amendment deletes from this clause which generally deals with orders the two categories of 'requirements or qualifications for appointment or promotion' and 'appointment and promotion processes' because I believe

they are special categories. Rather than go into detail about how they will be dealt with by way of a later amendment, I move this amendment because the Democrats believe that they require a more stringent process than the other matters listed in this clause.

The Hon. K.T. GRIFFIN: The amendment is opposed. Flexibility and the ability to change are integral to effective human resource management, and these matters are best placed within general orders. Any change would need to conform to the personnel management requirements in relation to fairness, discrimination, equal opportunity and a variety of other criteria and requirements. An awareness of the requirement should be the issue rather than an approach which places impediments in the way of change.

If we take the Public Sector Management Act provisions as a precedent, there really is very little that needs to be provided for. The Public Sector Management Act provides that appointments and promotions must be made only as a consequence of a selection process conducted on the basis of merit in accordance with the regulations (sections 33, 39 and 42 of the Act).

The regulations provide that selection processes to be conducted on the basis of merit must comply with the personnel management standards contained in Part 2 of the Act and any relevant directions issued by the Commissioner (regulation 9). Part 2 of the Act is similar to clauses 10 and 11 of the Bill which *inter alia* require the Commissioner to ensure that selection processes for filling positions are based on a proper assessment of merit. There is in fact nothing for the regulations to do except go around in circles, like the Public Sector Management Act and the regulations, and for that reason it is appropriate to leave paragraphs (c) and (d) in the subclause.

The Hon. P. HOLLOWAY: The Bill in its current form allows the Police Commissioner to make general or special orders in relation to matters of appointment or promotion. What the Hon. Ian Gilfillan is seeking to do is make matters relating to appointment and promotion by regulation. In practice that would mean that the Police Commissioner would no doubt draft such regulations; however, they would be subject to disallowance by either House of this Parliament.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Exactly, and they would go through the Hon. Angus Redford's committee. Because of the importance of matters of appointment and promotion in the police force—and this was a matter of some dispute in the original Bill—the Opposition will support the amendments moved by the Hon. Ian Gilfillan. By deleting it from here and supporting his amendment later we will ensure that this process will come about by way of regulation and therefore be subject to further scrutiny processes. We support those extra processes.

The Hon. A.J. REDFORD: As Chairman of the Legislative Review Committee, I must say that if the regime proposed by the Hon. Ian Gilfillan is adopted in this legislation it will give the committee some say and a responsibility to review each of the regulations. I have some concern about that. I have the highest regard for my colleagues on the Legislative Review Committee, but not one of us has served as a police officer; and to give us, as a committee, the role to review by regulation seems bizarre. We do not expect any appointment to any other position to be reviewed by regulation; nor are procedures or qualifications in any other sense, generally speaking (and I am sure there are exceptions), prescribed by regulation. It seems to me that if we are to ask the Police Commissioner to manage the police force he ought to be given the opportunity to do so.

With all due respect, to have the Hon. Ron Roberts, the Hon. Ian Gilfillan and me reviewing requirements or qualifications for appointment or promotion, and the appointment of promotion processes, would be bizarre. We are neither qualified to do that, nor should we be expected to do so. At the end of the day, if we keep doing these sorts of things, all we do is blur the line of accountability, and if something goes wrong no-one is accountable and no-one can sheet home the blame to any specific person or body because the responsibility is blurred. This is a nonsense.

The Hon. R.R. ROBERTS: I will make a contribution because my name has been mentioned in this debate as a member of the Legislative Review Committee. I have never been a lawyer, but that does not stop me reviewing the court rules that come before the committee. There is the catch-all, and it may not be the most efficient in the world, that all regulations are subject to the purview of the whole of the Parliament, and either House can disallow them. Indeed, many of the members of this Chamber and the other Chamber are eminently qualified to do so.

I think that the proposition is not as simple as my colleague on the Legislative Review Committee has put it. What we are really trying to do is develop a system which has fairness and equity, and to ensure that that occurs the Hon. Ian Gilfillan has said that it ought to be done by regulation. It is well known in this place that my preference normally is for these things to be done by legislation. I am assuming that the Police Association and the Police Commissioner have been involved in discussions and that they have a difference of view, but at the end of the day it is not for them to make the decision: it is for this place and our colleagues in another place to do so.

I completely discount the proposition put by the Hon. Angus Redford that he, the Hon. Ian Gilfillan and I will be reviewing this, because the committee is much broader than that and, as I said, it has the overview of the whole of the Parliament.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13.

The Hon. IAN GILFILLAN: I move:

Page 6, line 12—After "Minister" insert:

(which must be consistent with the aims and requirements of this Act)

Under subclause (2)(b) the Commissioner is to meet performance standards as set from time to time by the Minister, and my amendment then inserts the words '(which must be consistent with the aims and requirements of this Act)'. This may appear a minor matter but it does make certain that the Minister, in setting these performance standards, complies with an Act of Parliament passed by the Parliament of this State.

The Hon. K.T. GRIFFIN: With respect to the honourable member, any conditions must be consistent with the Act: it would be unlawful for them to be inconsistent with the Act. I do not support the amendment, but I will not go to the wall over it because it really does not do anything other than what the law already is. Any conditions do have to be consistent, and anything which is inconsistent with the Act will in fact be unlawful.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16.

The Hon. IAN GILFILLAN: I move:

Page 7, line 14—Leave out "Commissioner" and insert: Premier

This amendment is designed to vary the parties to the contracts of employment of Deputy Commissioner and Assistant Commissioner. In the Bill, it is supposedly between the Deputy or Assistant Commissioner and the Commissioner. My amendment would delete 'Commissioner' and insert 'Premier' so it would be consistent with the employment contract parties as apply to the Commissioner. Clause 13 provides:

. . . subject to a contract between the Commissioner and the Premier.

It is our belief that the same should apply to contracts of employment for the Deputy Commissioner and Assistant Commissioner—that those contracts be between those people and the Premier.

The Hon. K.T. GRIFFIN: With respect, there is no logic in that. We are endeavouring to establish a proper structure, that is, the Commissioner has responsibility for the management and performance of SA Police and is responsible to the Premier under his contract. The provisions in respect of the Deputy Commissioner and Assistant Commissioners should be that they are responsible to the Commissioner. If one interposes the Premier, there are, potentially, conflicting lines of authority and responsibility and, if one puts into a management structure the potential for divided responsibilities and loyalties, one may end up with a sense of confusion.

I point out that, notwithstanding the Hon. Ian Gilfillan's observation that we should not be treating the police as though they were public servants under the Public Sector Management Act, all we are seeking to do in respect of drawing comparison between SA Police and the Public Sector Management Act is to look at the management structure. There are additional rights given here which are not in the Public Sector Management Act and there are different approaches in relation to some aspects of the employment of public servants, but there is an appropriate management structure because the Commissioner's responsibility is to manage SA Police.

The provisions in the Bill actually follow the Public Sector Management Act in having the contracts of executives with the chief executive. So, in the Attorney-General's Department, for example, the Chief Executive Officer has a contract with the Premier, but the Deputy Chief Executive Officer and others at the executive level have contracts with the Chief Executive Officer. That is the appropriate structure and the appropriate line of accountability and for that reason we oppose the amendment.

The Hon. P. HOLLOWAY: The Opposition will support the amendment. I understand the point that the Minister for Justice is making about lines of communication but, nevertheless, the original contract of the Police Commissioner is with the Premier in the first place. In relation to such an important position as Deputy Commissioner or Assistant Commissioner, at this instance we will support the amendment to keep that consistency.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 7, line 19—After 'Commissioner' insert 'and published in the *Gazette*'.

Again, this is a repetition of the efforts of our amendments to ensure public disclosure so that performance standards will be available to public scrutiny and to this Parliament.

The Hon. K.T. GRIFFIN: The amendment is opposed. It is not clear what this amendment will achieve. No performance standards have to be published in the *Gazette* under the Public Sector Management Act. I remind the honourable member that performance standards are a management tool. In fact, a lot of the performance standards are already, in a sense, incorporated in the legislation through clause 10—'General management aims and standards'. It is not clear what this will achieve and whether it is even practicable to develop performance standards which *in toto*, when published, will be appropriate for that purpose. I oppose the amendment: no good purpose is to be served by that amendment.

The Hon. P. HOLLOWAY: The purpose to be served by the amendment, as the Opposition sees it, is accountability. We see no reason why, if the Deputy Commissioner is to be told that he has to meet performance standards, those performance standards should not be made publicly available, so we support the amendment.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 7, lines 27 to 36 and page 8, lines 1 to 4—Leave our subclauses (4) and (5) and insert:

(4) If, immediately before a person was first appointed as an Assistant Commissioner, he or she held an appointment under this Act or the Act repealed by this Act (the person's 'former appointment), the person is, on not being reappointed at the end of a term of appointment, entitled to an appointment at the same rank as the person's former appointment.

(5) If, immediately before a person was first appointed as an Assistant Commissioner, he or she did not hold an appointment under this Act or the Act repealed by this Act, the person's contract must provide that the person will be entitled to some other specified appointment in SA Police in the event that he or she is not reappointed at the end of a term of appointment.

This amendment provides a form of security to the people who may from time to time be appointed as Assistant Commissioner in the event of the termination of that appointment.

The Hon. K.T. GRIFFIN: The amendment is opposed. Subclauses (4) and (5) repeat the existing section 9A subsections (4) and (5). They were inserted in 1996 without any objections from the Australian Democrats. I recognise the Hon. Mr Gilfillan was not here at the time, but why turn the clock back to before 1996? Opinions may differ as to whether officers below the rank of Assistant Commissioner should have a fall back position, but given employment conditions elsewhere in the Public Service it is difficult to see why Assistant Commissioners should have a guaranteed fall back position. A person appointed from outside the police should not automatically be entitled to some other position in the event of not being reappointed. There would need to be good reason for such a person to gain tenure and that should be left to the terms of the contract on which the appointment is made. There may also be instances where it would be appropriate to offer an internal applicant only one term of five years.

The sort of provision which the honourable member is seeking to insert, in the Government's view is inappropriate and ignores the whole purpose of contractual arrangement with the occupants of those senior executive positions and certainly would put them in a stronger position than executives in other areas of the public sector.

The Hon. P. HOLLOWAY: As a matter of principle, the Opposition supports this amendment moved by the Hon. Ian Gilfillan which will give at least some security to an Assistant Commissioner. If the contract is not renewed at least he will be able to retain some employment. As a matter of principle we support the amendment.

The Hon. R.R. ROBERTS: This comes back to a fundamental problem that this Government has. This is about job security and getting the best people to apply for the jobs. This Government does not understand that within our police force we have very competent, efficient people with good records who are capable of doing many of these jobs. The Government wants to take away their job security and put them on contracts. The Government is all about contracts. It is not about unions or workers; it wants to put them on a contract and have them put aside their careers. It is pretty good at quoting the Public Service legislation but when we passed that Act we enacted similar measures as this to allow these very efficient officers within our Public Service to take these positions and not be left out in the cold. We used to have very competent people within our own Public Service, trained at public expense, who were not going to take tenuous jobs for short periods and then be chucked out onto the scrap heap. But that is the way you people operate. So, there is a fundamental difference in approach between the Opposition and Democrats and the Government on this proposition. What happened in 1996—

The Hon. K.T. Griffin: Is irrelevant.

The Hon. R.R. ROBERTS: —does have some relevance, but in 1996 this legislation was opened up by your Government—the same Government. Why did you not include all the rest of these things in 1996? It is because things changed and because your attitude is now clear towards the South Australian police force and workers in general. I support the amendment.

The Hon. K.T. GRIFFIN: For fear of stimulating an outright war, all I should do is indicate that nothing has changed in relation to Deputy or Assistant Commissioners since 1996. The legislation was supported by the Parliament at that stage and the current incumbents of those executive offices do not as of statutory right have guaranteed fall-back positions. I think that, with respect, it has nothing to do with other arguments about contracts and term appointments: this is about the executive level of the SA Police, within the same structure as those who are on executive levels under the Public Sector Management Act.

Amendment carried; clause as amended passed.

Clause 17.

The Hon. IAN GILFILLAN: I move:

Page 8, line 20—Leave out 'satisfactorily or to' and insert 'in a manner that satisfies'.

My amendment seeks to vary the wording in paragraph (f) dealing with the termination of appointment of a Commissioner, Deputy or Assistant Commissioner. The current wording provides that an appointment may be terminated if such a person has for any other reason failed to carry out duties satisfactorily or to the performance standards set under the contract relating to his or her appointment. I seek to delete 'satisfactorily or to' and to insert 'in a manner that satisfies'. So, we will replace the subjective and arbitrary criterion that they must carry out their duties 'satisfactorily' with the clear injunction that it must have been a failure to satisfy the performance standards that are set. It is in our view a safer, more predictable and reliable measure.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

The Hon. K.T. GRIFFIN: The amendment is opposed. The provision in the Bill is the same as the present provision, section 9b(1)(f). It is also the same as the provision which applies to chief executives in the Public Service, section 12(1)(a)(6) of the Public Sector Management Act. It is not reasonable to expect that every aspect of the Commissioner's, Deputy Commissioners' and Assistant Commissioners' duties will be set out in their performance standards. For example, clause 10 sets out the management practices which the Commissioner must follow, and not all of these relate to matters which would be included in performance standards. So, the honourable member's amendment is unsatisfactory from a number of perspectives.

Amendment carried: clause as amended passed.

Clause 18 passed.

Clause 19.

The Hon. IAN GILFILLAN: I have taken note of the Attorney's comment in his second reading speech. I had intended to move an amendment that the Commissioner's power of delegation would be restricted to a member of the SA Police. I was persuaded by the Attorney's argument that that would be too restrictive so I am not proceeding with that. As it currently stands the clause provides that the Commissioner will retain the power of delegation to a particular person, and that does not specify that it must be a member of the SA Police.

This gives me an opportunity to observe that the Democrats have attempted to ensure that the Commissioner has as much effective managerial control as is possible in an open and, to a degree, democratic structure. This has not been an attempt to deliberately curtail powers which are arguably (and I have accepted the argument) essential for the head of the police force to have control of that force. But the measures must be transparent; they must be referrable to the representatives of the people in this State, that is, the Parliament in most cases; and his or her decisions must always be liable to proper review, just interpretation and rejudgment if there is an appeal on a judgment that he or she has made. In the first instance our inclination to move this amendment was to restrict the Commissioner from bringing in any Tom, Dick, Harry, Jill or Joan to take on any particular job. That was the reason for the intended amendment, about which I spoke in my second reading speech. I indicate that the Attorney's argument persuaded me that that was too restrictive, and therefore I am not proceeding with it

The Hon. R.R. ROBERTS: If a delegation is made to someone who is not a member of the police force, are they entitled to all the benefits and subject to all the penalties of the Act, or would that be something separate in the contractual arrangement made by the Commissioner and the contracted person? Would their terms and conditions be governed by their contract or would they be entitled to protection under the Act? I think the answer is the second case.

The Hon. K.T. GRIFFIN: Let me give you an example. The person responsible for human resources management is at the moment not a member of SA Police but, rather, a public servant under the Public Sector Management Act. If the Police Commissioner could not delegate to her, it would be impossible for that person to undertake her role and function. She is not the only civilian to whom the Commissioner needs to delegate functions. The actual terms and conditions of appointment of that person to that particular job will be

governed, in the case of the Director of Human Resources Management, by the provisions of the Public Sector Management Act and, if on contract—and I cannot remember whether or not she is on contract—governed by the terms of contract under the umbrella of the Public Sector Management Act. Does that take it as far as you want to take it?

The Hon. R.R. ROBERTS: I think I understand what you are saying. If they were not a member of the police force, they would be under the Public Service Act. They would not have the same constraints on them as a police officer in the same position.

The Hon. K.T. GRIFFIN: For example, the Director of Human Resources does not have and cannot exercise the independent discretion of a police officer. So, as I understand it there are restrictions on the way in which that person can be involved as a member. For example, that person does not have the capacity or the power to arrest, other than as a citizen's arrest, as a member of SA Police, because that person is not a sworn police officer.

Clause passed.

Clause 20.

The Hon. P. HOLLOWAY: Clause 20, relating to the appointment of police officers, provides:

> The Commissioner may appoint as many commanders, superintendents, inspectors and other officers of police as the Commissioner thinks necessary.

The current procedures under the Police Act are that the Commissioner of Police makes a recommendation to the Minister, who then prepares a Cabinet submission. It goes through the whole Cabinet and, ultimately, through the process to the Governor. In debate in the House of Assembly on this particular measure the Minister claimed that he was moving this because the process was unwieldy. The Minister said:

> Where does one go to get independent advice about these nominations? That caused me to sit back and really think about whether the Minister should be involved. Where do I go to get independent advice about a particular nomination, and how do I check up on nominations, if that is required of me? That is one of the issues.

He went on to say—and I want to ask the Attorney about this:

> Quite often the Attorney, as the Minister for Justice, and I will meet to discuss individual applicants. So, the time of two Ministers of the Crown is tied up over what is essentially a promotion. We often have questions. We have sent a number of submissions back to the Commissioner asking certain questions about why the recommendation has been made. . . While the process seems very simple on the surface, it is quite complex when one comes to recommending and processing applications through the system as to whether or not someone should become what is currently a commissioned officer.

Having read that, I was rather pleased that members of the Government took their obligations seriously enough to ask questions and to send back submissions asking questions. I wonder whether the Attorney, like his colleague, finds that a particularly onerous procedure? I would like to hear the Attorney's views as to whether he believes that is no longer necessary.

The Hon. K.T. GRIFFIN: I do not have any disagreement with what my colleague in another place has said about the process. It really falls into two parts. On the one hand, under the present Act the Governor may appoint as many commanders, superintendents or inspectors as the Governor thinks necessary, and every officer appointed will receive a commission signed by the Governor. So, there are two issues; first: what should be the structure of SA Police? How many of these different ranks should there be? That is essentially a management function. It is not a function of the Government to make a decision in terms of, 'Yes, there will be three commanders, 10 inspectors and five superintendents,' or whatever the structures might be. I am sure someone who is much more expert at this than I will be able to say, 'Look, you have it all upside down.' I am just throwing those figures around as mere examples about what is required of the Minister and the Government, which will be the whole Cabinet, in making a decision about how many of them there will be.

We are not equipped to do that. We do not make those decisions even within our own departments. The decisions about the number of executive officers and administrative officers—ASO-8, ASO-7, ASO-6, ASO-5, and so on—is a matter for the chief executive officer. Frequently, the chief executive officer will give that responsibility to other officers at different levels. We are not equipped to deal with that, but at the moment under the Act we are required to do it. So, it is a bit like flying blind. It is not just a matter of the Minister doing it: it is a matter of the whole Cabinet doing it and then taking it up to the Governor in Council.

The second issue is: who should be appointed? Generally, the selection processes are run within the SA Police under the authority of the Commissioner. The difficulty for the Minister is that the Minister has no input into who should be selected and, more particularly, has no involvement in the selection process as a member of the panel or by way of a nominee on the panel. Then, the Commissioner presents a recommendation to the Minister. As the Minister says, he and I do talk about these, because the process with a non-Cabinet Minister is that the Cabinet Minister and the non-Cabinet Minister countersign a submission into the Cabinet. I have the responsibility for dealing with it in the Cabinet. If it is approved it goes to the Governor in Council.

For the Minister and for me as the Cabinet Minister, we do not have any idea of all the qualities that were assessed in each of the candidates who presented. Basically, we have to accept the recommendation made by the Commissioner, although we do ask questions about persons who are particularly recommended. Having done that, we then have to put up a submission to the Cabinet, and the whole Cabinet may if it wishes ask questions about it and not merely rubber stamp it. Then, it goes to the Governor in Council to be dealt with by proclamation.

The Hon. Ian Gilfillan: That will all be history now.

The Hon. K.T. GRIFFIN: Well, the honourable member asked me some questions and I wanted to put it into perspective. It is all of that which suggested to the Government that it was an inappropriate process to be followed, because it had so many steps in it and because, ultimately, the Minister, although accountable, did not necessarily have any involvement in the process.

The Hon. P. HOLLOWAY: The Attorney has explained that the scrutiny has been limited—and as an aside let me compliment the Attorney on his explanation; it was certainly much more revealing than that of his colleague in another place—but does he believe that, with those questions no longer being asked, it is removing an important protection from the system?

The Hon. K.T. GRIFFIN: I do not think it is, because clause 10 sets the management principles which are required to be followed. Ultimately, the Commissioner is responsible through the provisions of the Act, the contract and the performance standards. I think there are sufficient checks and

balances there for us not to be concerned about changing the process.

Clause passed.

Clause 21 passed.

Clause 22.

The Hon. IAN GILFILLAN: I move:

Page 10, line 11—After 'divided' insert 'or consolidated'.

The amendment is intended to spell out clearly that the Commissioner has the capacity to further divide the ranks of officers and other members of SA Police, but also to consolidate. An answer was given in the second reading reply by the Attorney to the effect that by just not appointing it would let a particular rank expire. I think it is better to have it clearly spelt out so that there is no misunderstanding that the ranks of officers and other members of SA Police may be further divided or consolidated under the regulations.

The Hon. K.T. GRIFFIN: This amendment is not worth going to the wall on. The Government's view is that it is not necessary, because the Commissioner would have power to consolidate ranks merely by not appointing anyone to a particular rank. If the honourable member wishes to make it explicit, it is not for me on this occasion to take issue.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 23.

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

Page 10, after line 20—Insert:

(1a) A person must not be appointed for a term under this section to a position below the rank of inspector except—

(a) where the person has special expertise that is required but not available within SA Police; or

(b) in other cases of a special kind prescribed by regulation.

My amendment paves the way for the insertion of new subclause (1a) which will provide for the appointment of persons below the rank of inspector but of and above the rank of senior constable on term appointments of persons only from outside SA Police. As to the proposal to insert a new subclause, it gives a sense of completeness to the debate. Clause 23 as presently drafted allows the appointment of a person from outside SA Police to a position of or above the rank of senior constable to be for a term not exceeding five years. This amendment provides that a person who is not a member of SA Police can only be appointed from outside SA Police to a rank of or above the rank of senior constable and below the rank of inspector if the person has special expertise that is required but not available within SA Police.

The amendment also allows for other cases of a special kind to be prescribed by regulation. It has never been intended that senior constables, sergeants and senior sergeants from outside SA Police would be included routinely on term appointments. The only time there would be term appointments to these ranks would be when there is some special expertise required that is not available within the SA Police. A person with that expertise may be required until the expertise can be acquired by existing members of SA Police. It may be that special expertise is required for only a short time and, if a person with that expertise is appointed permanently, the problem of what to do with the person once the special expertise is no longer needed would arise. This new subclause confines term appointments in the way that it was always intended it should operate. The provision is not likely to be used on a significant number of occasions, but it does provide a useful measure of flexibility, which will ensure that required expertise can be acquired in an appropriate way.

The Hon. IAN GILFILLAN: This clause and the amendments to it are probably the most significant aspects of the Bill. I will not revisit all of the second reading observations, but it is important to identify what is at issue with both the clause and the amendments. Although it is strongly denied, and I accept the denial by the Commissioner and the Government, that this would not be used as a way of drawing contracts in as a form of employment for serving police officers, it is my judgment that, as it is in the Bill, it leaves the prospect open. I have on file amendments which will limit the ability to introduce non-serving SA Police personnel at the discretion of the Commissioner under contract but only for one specified period, which is not renewable on a contract basis. If the Commissioner wants to retain the services of that person, the person then must become, *ipso facto*, a serving member of SA Police.

I wish to outline the details of my amendment, because it is germane to the discussion of whether we support or oppose the Government's amendments. We will be opposing the Government's amendments and moving that the words 'appointment of an officer, or an' be deleted. Then in paragraph (a) we would insert 'non-renewable term not exceeding five years'. In paragraph (b) I will be moving to delete 'including conditions excluding or modifying a provision of this Act'. This would leave the Commissioner free to determine the conditions of the contract. I will be moving to delete subclauses (2), (3) and (4) and replacing them with the following subclauses:

(2) A person must not be appointed for a term under this section except—

(a) where the person has special expertise that is required but not available within SA Police; or

(b) in other cases of a special kind prescribed by regulation.

(3) A person must not be appointed for a term under this section more than once and a term of any appointment under this section must not be extended.

I foreshadow those amendments because of the argument to indicate why I will be opposing the Government's amendment.

The Hon. P. HOLLOWAY: Clause 23 is arguably the most objectionable of the entire Bill. If the Bill had been passed in the form in which it came into the Parliament, every police officer of or above the rank of senior constable—some 1 500 police officers—could have been placed on contract. The conditions as to their remuneration and other matters would have been as the Commissioner considered appropriate. Clearly that has been the matter that has been the subject of most discussion on the Bill.

The Government has come up with amendments that certainly greatly improve the position over the way it came into this Parliament. Nevertheless, the Opposition believes we should go further, and consequently we will be supporting those amendments to clause 23 which are to be moved by the Hon. Ian Gilfillan and which will greatly reduce the number of situations where a contract may be offered to police officers. Indeed, when these amendments are carried they will apply only to where the person has special expertise or in other cases of a special kind that are prescribed by regulation.

That is the approach which we believe is necessary to make this Bill acceptable before we can support its passage in any way, shape or form. We will therefore oppose the amendment moved by the Minister, not because it is objectionable in itself but because it is inconsistent with the

amendments which will be moved later by the Hon. Ian Gilfillan and which we support.

The Hon. K.T. GRIFFIN: It is gratifying to know that at least part of what the Hon. Mr Gilfillan is moving is the proposition that the Government has developed in consultation with the Commissioner and the Police Association. However, it is disappointing that that is not the end of it, and I imagine there will be some further discussions in the deadlock conference on this, anyway.

Some aspects of the amendments moved by the Hon. Mr Gilfillan are not acceptable. The Government is firmly of the opinion that the appointment of serving officers on term appointments should be an option available to the Commissioner, just as it is for chief executives under the Public Sector Management Act. In addition, it does not make sense for all the provisions of the Act to apply to a contract, for example, clause 27, which relates to probationary appointments. It may be that a contract will contain special provisions as to how it is terminated. The transfer provisions may be inappropriate, and it may be inappropriate for a person on a term appointment to receive allowances under clause 89.

The only other point is in relation to lines 21 to 37. The removal of subclauses (2), (3) and (4) will remove flexibility, and we will have to consider some issues in further consultation. For example, what if a person is on a term appointment for a period of, say, three years to do a specific task and the task takes longer than expected? If this amendment is accepted, the person could not be appointed for a short additional time to finish the task. So, there is a long way to go on this. Fortunately, all the parties are moving closer to an acceptable outcome, but there is still a lot more work to be done yet.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 10, line 14—Leave out 'of an officer, or an appointment'.

I spoke to the bracket of my amendments, and I do not intend to repeat what I said.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 10, lines 19 and 20—Leave out ', including conditions excluding or modifying a provision of this Act'.

Amendment carried.

The Hon. K.T. GRIFFIN: It would now be inappropriate for me to move my amendment in the light of indications from the Opposition and the Hon. Mr Gilfillan.

The Hon. IAN GILFILLAN: I move:

Page 10, lines 21 to 37—Leave out subclauses (2), (3) and (4) and insert:

(2) A person must not be appointed for a term under this section except—

(a) where the person has special expertise that is required but not available within SA Police; or

(b) in other cases of a special kind prescribed by regulation.

(3) A person must not be appointed for a term under this section more than once and the term of any appointment under this section must not be extended.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

The Hon. A.J. REDFORD: Paragraph (a) of subclause (2) provides that a person cannot be appointed for a term under this section except where that person has special expertise that is not otherwise available within SA Police. Subclause (3) provides:

A person must not be appointed for a term under this section more than once and the term of any appointment under this section must not be extended.

I say this for the record when this goes into conference: at the end of a five year period, if you still do not have a person of special expertise, you cannot reappoint that same person—

The Hon. Ian Gilfillan: They can be appointed then as a permanent member of SA Police.

The Hon. A.J. REDFORD: I take the honourable member's interjection. Even so, if there is some specific problem or issue of which there is a time frame that might not come within the five year period envisaged earlier, there may well be a problem here. I flag that; it might be something we can revisit when legislation is revisited down the track when problems arise. It seems a bit strange.

The Hon. IAN GILFILLAN: I thank the Hon. Mr Redford for his comment. It may be an interpretation that needs to be looked at in the drafting. I repeat: the intention of my amendment is not to cut off or guillotine someone who may, at the end of a five year period or whatever term, be considered to be still desirable in the police force but rather that that continuation would mean that that person was drawn in as a fully fledged member of SA Police and no longer under contract.

Amendment carried; clause as amended passed.

Clauses 24 to 26 passed.

Clause 27.

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

Page 11, lines 21 and 22—Leave out subsection (1) and insert:

(1) Subject to this section, a person's appointment to a position in SA Police will be on probation for a period determined by the Commissioner not exceeding—

(a) in the case of a person who, immediately before appointment, was not a member of SA Police—two years; or

(b) in any other case—one year.

Under clause 27, a person appointed to a position in SA Police will be on probation for a period of two years. This is appropriate for the appointment of a person who is new to South Australia Police but on reflection is too long a probationary period where the appointment is a promotional one. The probationary period for a promotional appointment is now six months under regulation 47(a) of the police regulations. This is too short to allow a proper assessment and to take the necessary measures if the appointment is not to be confirmed. One year will allow a proper assessment of the appointee to be made and for the appointment to be terminated if necessary.

The Hon. IAN GILFILLAN: I understand that I have a similar amendment on file, or am I confused about this?

The CHAIRMAN: It is not quite the same, as the honourable member's amendment relates only to line 22.

The Hon. IAN GILFILLAN: I do not have the Attorney's amendment in front of me.

The Hon. K.T. GRIFFIN: I can enlighten the honourable member. As I have indicated, my amendment seeks to provide that, where a person who comes in is not already a member of SA Police, the probationary period will be two years. That seems to be reasonable. If the appointment is a promotional one—that is, from within SA Police—the probationary period will be a year.

The Hon. IAN GILFILLAN: I oppose the amendment. I misunderstood the Government's intention. I believed that it was moving an amendment that was identical to mine. I am not persuaded by the Government's argument. I think that a probation period of one year is adequate. If you cannot

measure the quality and performance of a person in 12 months, two years will not make much difference.

The Hon. P. HOLLOWAY: The Opposition opposes the Government's amendment in favour of the Hon. Ian Gilfillan's amendment. It is my understanding that in the Public Service there are much shorter periods of probation than 12 months: in many cases, it is three months or six months. I would have thought that one year is a sufficient period in which to assess someone's suitability, regardless of whether they come from within or outside the police force. Given that the contract is only for five years, the Opposition believes that one year is a sufficient period during which a person should be on probation.

The Hon. T.G. Roberts: It encourages good management.

The Hon. P. HOLLOWAY: I would have thought so. It seems to me that it is unsatisfactory to have someone on probation for as long as two years, and I do not think it is good management practice. For that reason the Opposition supports a uniform 12 month probationary period for all appointments.

The Hon. K.T. GRIFFIN: It is my understanding that when a person goes through the academy they do nine months of training and then become a probationary constable. The present position is that they are on probation for two years. The honourable member's amendment will turn back the clock. I believe that a two year period of probation is needed for those who graduate from the academy to be properly assessed in a variety of tasks on the job.

The Hon. IAN GILFILLAN: I move:

Page 11, line 22—Leave out 'two years' and insert 'one year'.

Hon. K.T. Griffin's amendment negatived; Hon. Ian Gilfillan's amendment carried.

The Hon. K.T. GRIFFIN: In view of the vote, I will not proceed with my other amendments, which are consequential.

The Hon. IAN GILFILLAN: I move:

Page 11, lines 34 and 35—Leave out 'two years' and insert 'one year'.

Amendment carried; clause as amended passed.

Clause 28.

The Hon. IAN GILFILLAN: I move:

Page 12, line 14—After 'Commissioner' insert 'and published in the *Gazette*'.

My amendment provides that the performance standards be published in the *Gazette*. I repeat my earlier observations in respect of a series of amendments where we have attempted to create more transparency and openness. We do not see this measure as being onerous.

The Hon. P. HOLLOWAY: This amendment mirrors one which we discussed earlier about providing greater accountability by publishing this information in the *Gazette*. The Opposition supports the amendment.

The Hon. K.T. GRIFFIN: The Government opposes the amendment. It is not clear what this amendment is intended to achieve. I have already indicated that the performance standards of the Deputy Commissioner and Assistant Commissioner may not necessarily include every aspect of what is required in terms which might be capable of clear definition. Some of them will be objectives which will be more broadly identified. As no performance standards have to be published in the *Gazette* under the Public Sector Management Act, why should police officers be any different in that respect? As I said earlier, performance standards are a management tool.

The Hon. A.J. REDFORD: Will the Attorney outline what he envisages should be included in the performance standards? How prescriptive are they likely to be?

The Hon. IAN GILFILLAN: I want to make a couple of comments about the performance standards and the reason why I emphasise this amendment. Under this clause, these performance standards can be set from time to time by the Commissioner. That may be acceptable but, if a police officer attempts to match those performance standards, it is appropriate that they not be changed on a whim, that they have some degree of reliability and consistency and that they not be secret in nature. It is very hard for me to see any argument why they should not be published in the *Government Gazette*. I think the points I have made reinforce my earlier argument.

The Hon. K.T. GRIFFIN: The difficulty is really to generalise on performance standards. For example, a local area commander might be given performance standards in relation to financial management, relationships with members of the community or lack of complaints. It may be that there will be other measures about relationships with the broader community and the establishment of the goal of community liaison officers under the command of that officer—a range of those things, and they will vary from officer to officer.

With regard to clause 28, there may be no common standard set but there may be a hundred different standards set depending on the number of officers, and there may be no performance standards set. In this day and age where management processes play an important role in the way in which an organisation operates I could not imagine that there would not be performance standards which would have to be met by these officers.

Of course, it will become fairly cumbersome. Every time there is a modification to the performance standard it will have to be gazetted. Every time there is a change in the job description of a particular officer there will probably be new performance standards or amended performance standards. I think, with respect, that it is a nonsense but it is something we will have to debate later.

The Hon. T. CROTHERS: Perhaps the Attorney can explain to me how you can set standards for the police. It is a nonsense—

The Hon. K.T. Griffin: No. Publishing in the *Gazette* is a nonsense; that's what I'm saying.

The Hon. T. CROTHERS: I misunderstood you. Setting standards is a nonsense.

The Hon. K.T. Griffin: It's not.

The Hon. T. CROTHERS: Yes it is, because you have a lot of smart criminals out there who are forever divining and devising new ways to get away with crime. Under those circumstances you would need a crystal ball to set performance standards when that is what detecting crime is all about—having police who are prepared to spend time, energy and patience, particularly with white collar crime the way it is at the moment, ever more burgeoning as part of the whole componentry of criminality.

Can the Attorney tell me how you can set performance standards in the police force? You are not talking about a factory where they are producing bricks or about a brewery where they are producing beer where you can set performance standards. This is economic rationalism gone mad. Can the Attorney convince me of the logic of how you can set performance standards for any police force?

The Hon. K.T. GRIFFIN: Of course you can. If you do not set standards and performance standards then you have to seriously ask where the SA Police, or any police group, is

going. Of course you can set performance standards but you do not set it on the number of expiation notices you write, the number of armed robbers you might apprehend or the number of murderers you might arrest. That is not what it is all about. Performance standards do not, in any force of which I am aware, measure performance by that means.

If you look at the sorts of performance standards which apply to Chief Executive Officers they are more principles than nitty-gritty detail. They talk about meeting your budget requirement; they may talk about the number of persons employed for particular tasks, budget integrity, financial management, lack of complaints, good relationships with members of the community and a whole range of those things. If this becomes an overwhelmingly important issue then I will undertake to get some more detail from the Commissioner. You can set performance standards and you should set performance standards, whether they are for members of the police or otherwise.

The Hon. T. CROTHERS: That is the most wishy-washy explanation I have ever heard the Attorney give. He is generally a man who is very much on the ball, and I have much respect for him.

The Hon. K.T. Griffin: For what?

The Hon. T. CROTHERS: For his integrity and his capacity to think intellectually. But I am afraid that on this occasion he has allowed himself to be swayed by an ideology with respect to his explanation that really goes beneath the question I am asking. You cannot compare the police force with any other occupation. How would you set a performance standard for lawyers, for example? How would you set a performance standard for GPs?

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: Here we are, the young barrister supremo—he believes—is interjecting again. The question I am asking the Attorney is one that he has not answered, and he knows that he has not answered it. I think that the police force here is second to none in the Commonwealth, and is probably as good as any and may be better than most police forces in the English speaking world. It has an envious record, certainly in respect of serious crime, and some of the murder cases it has solved here have gone beyond the ken of belief. How do you set standards across the police force? The simple answer to my question is that you cannot because it is so different from other occupations with respect to the line of duty it has to undertake.

The Hon. A.J. REDFORD: Has the Hon. Ian Gilfillan talked to the Police Association about this provision and specifically about publication in the *Gazette*?

The Hon. IAN GILFILLAN: All the amendments that I proposed were made available to the association and the Commissioner for comment. I assume from the comments that I have had back that they are content with this provision. I have not had any complaint.

The Hon. A.J. REDFORD: It surprises me that the Police Association would be happy to have this sort of thing published in the *Gazette*, and I say so for a number of reasons. The Attorney has said that performance standards can include things such as financial management, relationships with the community and the establishment of community liaison officers. They are general community performance standards and in some respects are motherhood statements.

It concerns me that we can establish performance standards in certain policing activities which might be directed to the level of crime within a particular area or specific types of crime, and it may even go to having to determine that there is a sufficient level of crime for the amount of charges that are laid or prosecutions that are commenced or, indeed, the number of convictions that might be secured. In some cases, I think there might be an argument—and I do not want to go down that track today—as to whether that is appropriate or inappropriate. However, I have two concerns. I accept that it may be different for different police officers in different areas because there are different priorities, but I can see the publication of this in the *Gazette* being misused to the detriment of individual police officers.

I will give examples. If I am an aggrieved citizen in a country town and I have obtained the performance standards for my local police officer, then I can create merry hell in the media, with my local politician, and even with some unscrupulous members of the Opposition, dare I say, to apply enormous pressure on individual police officers. I am a little concerned that this might be allowed to be used for that purpose.

We live in a very competitive world and the securing of positions within the police force is probably as competitive an environment as I have seen, and it would enable police officers to damage the reputation of their fellow officers. I am not sure that would be of assistance to the overall general morale of police in South Australia.

The other issue that occurs to me is the role of defence lawyers. Depending on what is contained in these performance standards and depending upon their publication in the *Gazette*, I would think they would be enormous fertile ground for defence counsel to cross-examine police officers. I will provide an example. If a certain level of police activity is required from a divisional commander or from an individual police officer and has not been met, it is not very difficult for defence counsel to say, 'You are pinching my client (or this number of clients) because you do not look like meeting your performance standards and you will be in trouble.'

It is a whole new line of cross-examination, and I foresee some of my former colleagues licking their lips as they open the *Gazette* on a day by day basis. I have no problem with performance standards, but I wonder whether the transparency the honourable member is seeking will cause more problems to individual police officers than it will resolve. On the face of it, the Police Association does seem to want to look after its members and does seem to analyse each clause of this Bill in detail, and I would be very surprised if the association would expose its members to this sort of public disclosure by way of *Gazette* and expose its members to the potential for criticism that the honourable member's amendment would allow.

The Hon. P. HOLLOWAY: This is probably not the most important amendment that the Hon. Ian Gilfillan is moving during this debate. Clause 28 of this Bill 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.

Now, clearly, there is a lot of misunderstanding as to exactly what those performance standards are. The protection afforded by the Hon. Ian Gilfillan's amendment is that if they are published there is transparency and we know exactly what the performance standards are. If a police officer has to meet these standards under law, then should we not know what the standards are?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes, it does. It provides that as a condition of appointment the officer must meet these

performance standards. There has been discussion as to what these standards are.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I understand the point the Hon. Angus Redford is making, but I would have thought the police officers are exposed if they are required to meet standards which are not known except to the Commissioner.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order!

The Hon. P. HOLLOWAY: Later, we will be discussing various police disciplinary measures. If a police officer can be disciplined for not meeting performance standards is it not appropriate that those performance standards be available? I think that part of the problem is that the Minister for Police in another place has not been able to provide much information as to what exactly these performance standards are. Perhaps if there was more information on it, this Bill would be a lot more acceptable. I would suggest that while it is a requirement that a police officer has to meet these standards, it is appropriate that they be transparent.

The Hon. A.J. REDFORD: I have had the opportunity to employ people and I have actually written out the cheques for them—unlike the honourable member. Often, in an employer-employee relationship you have cause to speak to your staff for whatever reason. Often, you want to do that with some degree of privacy. This amendment brings it right out into the open. In an area as sensitive as policing, setting these performance standards and then throwing them out in the open runs the real risk of putting police officers in an unacceptable position. It may be that an individual police officer does not meet a particular performance standard and it may be that the superior officer says, 'Look, I understand that.' But, I can tell members opposite that the media or defence counsel or certain aggrieved members of the public will not have that level of understanding and will not have that sympathetic approach to it.

The Hon. Ian Gilfillan is hanging individual police officers out to dry. I do not think that is fair and I do not think it is appropriate, and I would urge the honourable member and the members opposite to rethink this amendment. I have no problems with performance standards but to publish them in the *Gazette*—and there may be many different standards for different officers—exposes police officers in a very unfair and dangerous way.

The Hon. P. HOLLOWAY: I would have thought that, if the police officers were exposed, it would be because they could face disciplinary action if they do not meet performance standards which are vague and unknown. I would have thought that was much more dangerous.

The Hon. K.T. GRIFFIN: I cannot understand the concern of the Hon. Mr Gilfillan and the Opposition in relation to the provision in the Bill. They seem to be intent to hamper, restrict and constrain so there cannot be an effective management structure within SA Police. I think the Hon. Angus Redford raises some very valid points, and I hope the Opposition and Hon. Mr Gilfillan will give consideration to the way in which proper management can and should occur in SA Police. While it is a little risky to draw some analogies, let us look at other areas of the Public Service.

The Opposition is intent, as is the Government, on ensuring there is no political patronage within the public sector. Yet, in the contracts of executives, the chief executives are required to specify performance standards which the executive level officers are required to meet. When that was discussed two or three years ago and we reached an agreement at the deadlock conference of the Public Sector Management Act, no-one said, 'Let's require all the performance standards for executive level public servants to be published in the *Government Gazette*.' When we have established very wide ranging inspectorial powers under occupational licensing and set performance standards for inspectors, no-one has required us to publish them in the *Government Gazette*. It is just not good management. It ties our hands and the whole system becomes extraordinarily bureaucratic. The National Parks and Wildlife inspectors have very wide powers where we require them to meet performance standards. I suppose that, the next time that Act comes before us, on the basis of this precedent the Opposition and Democrats will move to require all their performance measures to be out in the public arena.

We are going to an extreme of bureaucratic requirement which is largely unheard of and which will be detrimental to proper management. It may be that a suspicious mind is at work, but I draw attention to the fact that clause 10 is quite open about the principles and standards which the Commissioner must apply across the force. If they are not applied, they are the subject of public questioning in the Parliament and in Estimates Committees and ultimately by the association taking matters on judicial review.

The Hon. P. HOLLOWAY: Will the Attorney enlighten us about the exact nature of these performance standards and give us some examples of them?

The Hon. A.J. Redford: He's already done that.

The Hon. P. HOLLOWAY: Well, in fairly general terms. I think it could be helpful if he could provide some details of what exactly might be required and in what form it would be required. Further, how would the police officer concerned be notified about these particular performance standards by which he or she is required to operate?

The Hon. K.T. GRIFFIN: I will take the question on notice. As far as I am aware, the notification process is quite straightforward, certainly at appointment and from time to time, and notified in writing as the requirements of a position may change. With regard to performance standards, I have given a general rundown on the sorts of areas that may apply. If I can get some more specific examples I will bring them back for the honourable member and hopefully that might then persuade him to withdraw from the present support he gives to this amendment. I recognise that as part of this process we build up a bank of amendments. We will work through those in the context of the deadlock conference and hopefully come out of it with something sensible.

Amendment passed; clause as amended passed.

Clause 29.

The Hon. IAN GILFILLAN: I move:

Page 12—

Line 17—Leave out 'must not resign or relinquish official duties unless' and insert:

may resign or relinquish official duties if

Line 22—Leave out all words in this line.

This amendment, along with a couple of associated amendments, is designed to remove the punitive aspects of this clause. The Bill stipulates that a member of the SA Police must not resign or relinquish official duties unless the member is expressly authorised in writing by the Commissioner to do so or has given the Commissioner 14 days notice of intention to do so or is incapacitated by physical or mental disability or illness from performing official duties, and the maximum penalty for that is $1 250 or three months imprisonment. I am certainly not persuaded that that is a useful

clause to retain in SA Police legislation. I will move a couple of amendments related to this, first, to provide the option that a member of the SA Police other than the Commissioner, the Deputy Commissioner or an Assistant Commissioner may resign or relinquish official duties if the member observes the provisions that I have just read out. Also, I have moved to delete the penalty aspect of the clause.

The Hon. P. HOLLOWAY: The Opposition supports these two amendments. It seems to be rather draconian that in this day and age we would talk about fining a police officer $1 250 or make them face three months imprisonment if they resign without giving the Commissioner 14 days notice. Throughout the debate on this Bill we have heard that this is all to do with modern management, how we are to move into the twentieth century as far as management practices are concerned and how we no longer call the police force a 'force', because it is moving way from its military structure. I would have thought that this is a rather draconian provision from the past, so we will support the Hon. Ian Gilfillan's amendments to remove it.

The Hon. K.T. GRIFFIN: The amendments are opposed; the provision is exactly what is in the present Act. In my view and in the Government's view the resignation of members of SA Police does need to be regulated, to ensure that policing levels are maintained, for a variety of reasons, including catering for emergencies.

The Hon. A.J. REDFORD: I would be grateful if the Attorney could advise this place of the existing provision in these circumstances and why there is a requirement—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: The honourable member interjects. Quite frankly, on his and the shadow Minister's performance, about the only thing the honourable member has done is read the Bill; he has not put any thought into it. I return to my question. What is the rationale behind the insertion of this clause in the terms in which it has been inserted?

The Hon. K.T. GRIFFIN: The present provision is in section 19, which provides that a member of the police force or a police cadet must not resign or relinquish official duties unless he or she is expressly authorised in writing by the Commissioner to do so or has given the Commissioner 14 days notice of intention to do so or is incapacitated by physical or mental disability or illness from performing official duties. A person who contravenes subsection (1) is guilty of an offence, the penalty being a Division 8 fine, which is $1 000, or Division 8 imprisonment, which is three months.

The Hon. A.J. Redford: Why is it there?

The Hon. K.T. GRIFFIN: I understand that it is there to ensure that the numbers are maintained. There are a number of possibilities. One I have already referred to; that is, you need to cater for an emergency with the numbers and not have an inappropriate resignation at an inappropriate time. If there is currently an investigation of an officer's actions or more particularly where that officer is involved or there is a court hearing on, these things have to be managed and the last thing you want to do is to have a sudden death cutoff where the Commissioner and all those others who depend upon that particular officer in any of those circumstances might be left high and dry.

The Hon. A.J. REDFORD: Could the Attorney advise whether or not the existing equivalent section—I think it is section 19—has been applied? What were the circumstances and the consequences? If there have not been any such examples, can the Attorney say whether the existence of such a clause may prevent the sort of problems to which he alluded briefly in answer to my previous question?

The Hon. K.T. GRIFFIN: I do not have that information, but I will endeavour to obtain it.

The Hon. P. HOLLOWAY: Repeatedly this afternoon the Attorney has compared provisions in this Bill with those in other areas of the Public Service, in particular the Government Management Act. Is there any comparable provision in any other area of the Public Service where a public servant faces three months imprisonment or a fine in excess of $1 000 for not giving 14 days notice if they wish to resign?

The Hon. K.T. GRIFFIN: I am not aware of whether there are any other provisions, but if time allows I will have some inquiries made.

The Hon. A.J. REDFORD: I would have thought that there is a need for this sort of provision. One only has to look at what drastic consequences might flow from a police officer suddenly deciding mid investigation or mid emergency to walk out. I would be highly surprised if ordinary police officers had any objection to this clause, because it is as much for the protection of each other as it is for anybody else. It is as much for the protection of one police officer being exposed to danger because the other police officer walks out as it is for any other purpose. It is as much for the protection of a police officer who might be assisting in the course of a serious investigation if the other police officer should walk out without notice and without permission.

If you spoke to the ordinary rank and file police officer and said, 'Look, this is designed to provide a sanction if your fellow officer does not behave in a certain way,' I would be surprised if they did not agree with that, because in some cases the failure to comply with that (bearing in mind that we are looking at a maximum penalty here) could cause enormous problems not just for the Commissioner, the police in general or their high reputation but also for the safety and confidence of their fellow officers. I know that some of the others to whom I have spoken in relation to this provision have never heard of it being invoked, but when you explain it to them they say, 'I am happy it is there.' That is what has been communicated to me by individual police officers.

Amendments carried; clause as amended passed.

Clauses 30 to 34 passed.

Clause 35.

The Hon. IAN GILFILLAN: I move:

Page 14—

Line 11—Leave out 'must not resign or relinquish official duties unless' and insert:

may resign or relinquish official duties if

Line 16—Leave out all words after this line.

These amendments are identical in purpose to clause 29 with which we have just dealt.

The Hon. K.T. GRIFFIN: The Government opposes the amendments.

The Hon. P. HOLLOWAY: The Opposition supports the amendments. I take this opportunity to make one comment to the Hon. Angus Redford in view of his earlier comments. It is touching that the honourable member now shows a great deal of concern for police officers showing respect to one another by not walking out. I would have thought the whole point of this Bill that his colleague and friend the Minister for Police introduced was to remove completely all the conditions. If ever one were to undermine the loyalty and integrity of the police force, it would have been if this Bill had gone through in its original form. It is nice to see that at least on

this matter the honourable member does understand the need for a bit of loyalty and solidarity in the police force.

The Hon. A.J. REDFORD: I am grateful for the Hon. Paul Holloway's last comment, because there is a major difference between the way in which I have approached this Bill and the way in which the ALP has approached this Bill—and I exempt the Hon. Ian Gilfillan from this comment. The shadow Minister has not done his homework and has played politics all the way through. The Labor Party has been flip-flopping around all the way through. The honourable member has not done his homework and has not thought his way through it. The Labor Party has hung on to the shirt tails of the Hon. Ian Gilfillan and hoped that that might skate it through with some degree of credibility. The fact of the matter and the reality is that the ALP has not done so. Members opposite have had egg on their faces all the way through this Committee stage debate.

The Hon. P. HOLLOWAY: For the benefit of the Hon. Angus Redford who, clearly, was not here earlier, when we began the debate today on clause 1, I explained to him how the Hon. Ian Gilfillan had listed amendments to this Bill several weeks ago. Rather than listing identical amendments to a number of these clauses, the Opposition decided that it would support the Hon. Mr Gilfillan's amendments. I explained that earlier.

Amendments carried; clause as amended passed.

Clauses 36 to 41 passed.

Clause 42.

The Hon. IAN GILFILLAN: I move:

Page 18, line 5—After 'seniority' insert:
or relocation to a place so distant as to unduly disrupt the member's family life.

This is an attempt to soften the potential effect on a police officer's life in terms of relocation, which is a form of punishment accepted by the Democrats as an option for the Commissioner to exercise. The clause deals with the transfer of a member and provides:

. . . for not more than four months to another position in SA Police (not involving a reduction in rank or seniority).

The amendment provides that a transfer will not disrupt unduly the member's family life. Depending on the life of that particular officer, the actual impact of this relatively low level disciplinary measure could vary enormously. This would depend, of course, on the life of that officer—whether or not he or she is single or has school going children, family or other commitments within a certain area. As this is not seen as a penalty for a serious offence, it seems appropriate that we should modify it.

The Hon. K.T. GRIFFIN: I was not aware of this amendment until the new set of amendments came onto the file just before we began to consider this Bill in Committee. Just reflecting aloud, I suppose it will mean in practice that there will have to be an inquiry into the officer's family affairs.

The Hon. Ian Gilfillan: Only if there is a protest on the matter.

The Hon. K.T. GRIFFIN: I am talking about the principle. Even if there is a protest, it will mean that to be able properly to determine whether or not there will be undue disruption to the member's family life, if a transfer is made, there will have to be a process which will enable the Commissioner to obtain all the facts upon which that judgment can be made. To a large extent it will be a subjective decision. What might be a so-called undue disruption to one member's family life might not be for another. What does 'family life' mean? Does it mean that, for a single police officer who has a friend who might even be a fiancee, moving that officer to some other location would be an infringement on that officer's family life? Is a family represented in a *de facto* relationship?

This raises a whole range of questions which are not easy to resolve. I wonder whether a police officer subject to discipline under this provision will want to disclose at the time when the Commissioner makes the decision all of his or her affairs which might relate to so-called family life so that the Commissioner can then make an appropriate decision. I am prepared to reflect upon the issue further. I do not indicate Government support for the amendment, although I am inclined to oppose it because I think it will be impossible fairly to administer and it raises more questions than those for which it provides answers.

The Hon. P. HOLLOWAY: The Opposition will support the amendment moved by the Hon. Ian Gilfillan. I would not have thought it was any more difficult to judge than some of the other provisions listed under what is, after all, 'minor misconduct'. The section we are dealing with is minor misconduct and we are dealing with possible penalties, and I would not have thought it was any harder to judge the qualification put in by the Hon. Ian Gilfillan than it was in other sections.

The Hon. K.T. GRIFFIN: You cannot do it under the Bill if it involves a reduction in rank or seniority. They are objective facts that you can judge. The amendment brings a subjective judgment to the decision making process and involves intrusion into the family affairs of an officer.

The Hon. P. HOLLOWAY: The point that the Hon. Ian Gilfillan and the Opposition would like to make is that there be no abuse of the transfer provisions for a minor misconduct. If the Bill is going to a conference, the details of that can be discussed because this matter is not important enough to warrant a lengthy debate here. We support the amendment at this stage.

The Hon. A.J. REDFORD: I understand what the honourable member is seeking to achieve. Because there is a subjective element to it (I am not sure how you can avoid that), there may be a need for some undertaking to be given in terms of general orders or instructions by the Commissioner as to how this will be applied: that the people making this sort of decision would take into account the disruption to the member's family life in determining a transfer. That is another option. I am not moving anything, but it might be something that could be considered at the appropriate time.

The Hon. T. CROTHERS: While we are on the subject of the transfer of officers, the Attorney might like to take my question on notice. In this age of high unemployment and two income families (and there is a provision which relates to interference with families), what are the Attorney's views about an officer's husband or wife having to give up employment, as a result of a transfer, because this could cause a considerable income loss to the officer's wife, particularly if it is a probationary or junior constable receiving a low level of remuneration? Allowances are paid to the police for country transfers. As the transfer of an officer may cause his spouse to resign his or her employment, does the Attorney believe that, bearing in mind the transfer provisions and the nature of duties that police are called on to undertake across the State, the levels of remuneration should be uplifted where an officer's spouse has to give up his or her employment? Such an increase would reflect a component part of the duties of a police officer.

The Hon. K.T. GRIFFIN: The answer is 'No,' but we are not talking about that here: we are talking about minor misconduct and about a transfer for no more than four months to another position in SA Police. The issue which I am raising and which the Hon. Paul Holloway has identified is a position that raises questions about how practical is the amendment moved by the Hon. Ian Gilfillan. We will look at it again. The Hon. Mr Holloway says that he is prepared to look at it, and I accept that. We will do it later.

Amendment carried; clause as amended passed.

Clause 43.

The Hon. IAN GILFILLAN: I move:

Page 18, line 23—After 'determined' insert '(in a non-discretionary way)'.

The amendment is an attempt to make sure that, where there is a review procedure, the person hearing the review is selected at arm's length from the Commissioner, who has made the determination against which there is an appeal or review. Subclause (3) provides:

An application for review under this section must be made to a member of SA Police determined under the regulations within the period and in the manner prescribed by the regulations.

My amendment is to include, after 'determined' on the second line of subclause (3), '(in a non-discretionary way)'. It is a lead for the amendment to ensure as far as is possible that the reviewing SA Police officer has been selected not by direct personal selection by the Commissioner but by some other process of selection which, as far as is possible, ensures the appellant, the person who is seeking the review, a fair and independent hearing.

The Hon. K.T. GRIFFIN: I do not understand what the honourable member is on about, and I do not see why I should agree to an amendment about which he says, 'There has to be some other way of doing it.' If he can identify a proper mechanism by which this can be done, I am prepared to give some consideration to it. But at present, I oppose the amendment.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. I understand what the Hon. Ian Gilfillan is getting at. If there is a more preferable way of doing it later, we will all look at it.

The Hon. A.J. REDFORD: The Opposition's position is an absolute nonsense: they just continue to stand up and support everything. The clause provides that it can be determined under the regulations. The regulations come to this place and to the Lower House and, if you want to disallow them, you can. Why not deal with it when the regulations come up? I am not even sure what it means to add '(in a non-discretionary way)' under the regulations. At the end of the day, if you put that in, what does that do? It does nothing, because the regulations will still come here to be reviewed. The honourable member well knows that that is what happens. It does not add anything. It is just yet another example of the performance of the ALP on this debate.

Amendment carried; clause as amended passed.

Clauses 44 to 46 passed.

[Sitting suspended from 5.54 to 7.45 p.m.]

Clause 47.

The Hon. IAN GILFILLAN: I move:

Page 21, line 3—After 'position' (second occurring) insert: '(and such transfer may be permanent or for a specified term)'

Subclause (1) provides:

The Commissioner may, without conducting selection processes, transfer a member of SA Police from the member's current position to another position.

My amendment seeks to make plain the actual transfer period.

The Hon. K.T. GRIFFIN: What does the honourable member want to achieve by this? It is not clear to me why we need to add any words. If I have missed something, I would like to know.

The Hon. IAN GILFILLAN: It is unlikely that the Attorney will have missed very much of significance, but this may be an occasion where he has. The transfer may be the result of an amiable agreement or it may not. It is important that there be a clarification when this transfer process goes through whether it is for a set time at the end of which there is a return to the previous position or an alternative appointment, or whether it is a transfer of a permanent nature. As can be seen from the power of this subclause, the Commissioner may do this without conducting selection processes, so it is very much a determining power of the Commissioner. In my opinion, it is reasonable that, when that decision is made, it be clearly specified whether it is for a specific period or for an indefinite period.

The Hon. K.T. GRIFFIN: I do not think this amendment is necessary. I do not support it, but I will not go to the wall on it. I merely draw the attention of the Committee to the fact that the reference to the word 'permanent' can conjure up all sorts of consequences. One is that the officer may be transferred to a particular position until retirement. Does 'permanent' mean 'never to be shifted again'? The honourable member will have to give attention to those sorts of issues.

The Hon. P. HOLLOWAY: I am not sure whether the amendment is necessary. However, I do not think it takes away from anything.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes. I thank the Hon. Angus Redford for his assistance. Whilst the amendment may not add anything, it clarifies the available options. So, at this stage the Opposition supports it.

The Hon. K.T. GRIFFIN: It may not be clarification if there is to be a dispute about what 'permanent' means. I would have thought that it was implicit in the provision in the Bill that the transfer could be either to another position for a specified term or to another position for an indefinite term, but the suggestion of a permanent transfer raises all the uncertainties to which I have referred.

The Hon. IAN GILFILLAN: This amendment may have some significance in relation to the Government's proposed amendment to clause 49(c) in which transfers are referred to as a punishment. I am prepared to acknowledge that we may have gone through this with too fine a toothcomb—I do not apologise for that; that is our job—but through this amendment the Government is obviously proposing that the transfers can be punishment.

The Hon. L.H. Davis: I hope you remember that when we come to the ETSA Bill.

The Hon. IAN GILFILLAN: We will deal with that in due course but, because a transfer is to be determined by the Commissioner without any selection processes and is open ended as to the time that that transfer is to take place, I think the amendment is reasonable. The Commissioner still retains the power, but the person who is transferred at least has an indication of whether it is to be a permanent transfer or for a specified period. I think this amendment is worthy of consideration and does not lessen the Commissioner's power.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 21—

Lines 8 and 9—Leave out ', subject to subsection (5) and any general orders of the Commissioner,'.

Line 10—Leave out 'general orders' and insert 'regulations'.

This amendment is to delete certain words from subclause (4) of clause 47, which deals with the power to transfer. Subclause (4) provides:

A member of SA Police aggrieved by a transfer of that member under this section may, subject to subsection (5) and any general orders of the Commissioner, apply to have his or her grievance dealt with in accordance with a process specified in the general orders.

It is my intention to delete the qualification 'subject to subsection (5) and any general orders of the Commissioner' and to ensure that the process specified in the general orders is specified in the regulations. Our view is that a police officer aggrieved by a transfer decision should have an unfettered capacity to have that grievance dealt with by way of a due and proper process.

The Hon. A.J. REDFORD: Bearing in mind that the regime for dealing with regulations in this Parliament enables them to be disallowed by either House, what sort of regulations will the honourable member support? It might be of assistance to me and the Government to know what the honourable member envisages as a regime that might be promulgated under regulations that would be acceptable to him. Does the honourable member think that it would be acceptable to have a process in the regulations that might be applicable to appointments for a specified period and a different set of processes that might be applicable to an appointment for a specified term?

The Hon. IAN GILFILLAN: I am not sure whether my answer will completely cover the points raised by the Hon. Angus Redford, but the general pattern of our approach is, where possible, to move the conditions that are offered in this legislation from an arbitrary determination because we think it is necessary that the Parliament have an opportunity to review. The actual move to regulations is not so much because the Parliament will determine the regulations—because rarely does the Parliament do that—but it does have access to them. Where an argument may be sustained that those regulations are too onerous, unfair or inadequate, Parliament should have the right to have them reviewed.

This is more than just normal day-to-day, bit by bit management. This is designed to comprehend a decision which could be quite a severe form of punishment or disruption of a police officer's career. It appears to us—and we have been consistent in this respect right through our amendments—that it is safer to have them spelt out in regulations than just left in general orders.

The Hon. K.T. GRIFFIN: I do not follow the honourable member's reference to 'punishment', because a later amendment deals with a transfer on the basis of its being believed to be punishment—and the review process applies in that context. I do not follow that argument in support of the honourable member's amendment. The amendment is opposed by the Government.

This amendment anticipates the honourable member's proposed amendment to strike out subclause (5). The Government does not agree to the striking out of subclause (5) on the basis that if a person accepts an appointment or a transfer for a specified period one must ask why that person should have access to a grievance process if he or she is transferred at the end of that period. It makes a nonsense of the process.

We also object to the deletion of the reference to general orders on the basis that general orders can appropriately specify particular processes. I would have thought that they would be in the interests of serving police officers rather than being adverse to their interests, particularly as the principles set out in clause 10 relating to general management aims and standards will have to be reflected in the general orders in any event. If they are not, it may well be that the general orders are subject to judicial review. So, this amendment is opposed, as will be the amendment which seeks to delete subclause (5) for the reasons I have indicated.

The Hon. P. HOLLOWAY: The question of the power of the Police Commissioner to transfer officers has been one of those key sticking points with this Bill. After we dispatch this clause we will be dealing with changes to part 8 of the Bill which will insert a number of new provisions to deal with transfers. The reason why transfers are such an important part of this Bill is that, as anyone who followed the situation in Queensland under the former corrupt Police Commissioner Terry Lewis would know, the transfer of police officers was the mechanism that was used to entrench corruption in that police force.

In that case the Liquor Licensing Branch was the area to which those officers who were part of the scam, if I can call it that, were transferred and honest officers were transferred out. We are not suggesting that that situation will occur in South Australia, but we are saying that there should be some protection against the misuse of transfers. So the approach to both this clause and the following clause is to put in protections. The amendments the Hon. Ian Gilfillan has moved to this clause we see as being complementary to the amendments that we will be moving shortly to part 8. The Opposition supports the amendments.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: The Hon. Legh Davis wasn't here. If I have to explain it for a third time I will. I suggest that he read the comments that I made at the start of this debate and he will understand why.

Members interjecting:

The CHAIRMAN: Order!

The Hon. P. HOLLOWAY: In relation to transfers, we believe that the general orders proposed under the Bill should be regulations because that provides us with the additional protection and scrutiny that is offered by regulations because they are subject to disallowance by both Houses of Parliament. Given that there has been a situation in Queensland where transfers have been abused, I would have thought that it was not in any way an unreasonable position that we should try to put some checks and balances on this matter.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I am sure that the Hon. Angus Redford, with his brilliant legal career, will tell us all about it. I am sure that he will be only too willing, as he always is, to share with us the benefit of his great knowledge and experience in this matter. Perhaps he can tell us what they do in Queensland. Nevertheless, I suspect that whatever they now do in Queensland is entirely immaterial to the point.

Given that transfers have been abused in the past it is an area where there should be some checks and balances in the system. The amendment that has been put forward by the Hon. Ian Gilfillan does nothing more than that. Regardless of what they might be doing elsewhere it is the view of the Opposition that it is an entirely reasonable position to adopt

in relation to this Bill given the experience that we have seen in other parts of the country. We will support the amendment.

The Hon. K.T. GRIFFIN: I do not accept the points which the honourable member has made. I draw attention to the fact that there will be an amendment, which we will deal with later, that deals with transfer reviews other than in relation to misconduct, particularly where a member believes that he or she is being punished for a particular conduct. So we have that provision there. If an officer believes that he or she is harshly done by by reason of punishment then there will be a mechanism for dealing with that. I would have thought that that was more than adequate.

The Hon. Ian Gilfillan: It's not in the Bill.

The Hon. K.T. GRIFFIN: But it will be.

The Hon. A.J. REDFORD: My experience when I had some involvement in my professional capacity with the South Australian Metropolitan Fire Service was that this sort of regime was dealt with in what they described as the Standard Administrative Procedures, which is a fairly thick booklet and which was developed after a degree of consultation between the Chief Officer and the Deputy Chief Officer and, in those days, the two relevant unions. During the development of these procedures there was a good deal of discussion and give and take.

Notwithstanding that, I recall giving advice on a number of occasions in quick fire, following having dealt with a couple of these things, to change the Standard Administrative Procedures. That was done very quickly and simply and in a very straightforward manner. The problem with dealing with it by way of regulation is that it tends to make it so structured and fixed that it is difficult for changes to be made to reflect problems that might arise when dealing with this sort of issue.

At the end of the day this new power to transfer and the whole regime in relation to transfer is quite different from what currently prevails. I am not sure that I have enough confidence in the way in which regulations are developed to say, if this is accepted, that we will get it perfectly right on the first occasion, and then we have to go through a whole new process to change regulations. That is a cumbersome process.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: General orders are not. The honourable member keeps interjecting. As I said by way of interjection, I do not know why the Australian Labor Party cannot be honest about this, pat the member for Elder on the back for a lovely, flowery speech, although it was not based on a lot of analysis, hand its proxy vote over to the Australian Democrats so we can have a decent, high level debate on this issue.

What amazes me about the Hon. Paul Holloway's comments is that he only has one written instruction, and that is to agree with the Australian Democrats. We are extremely impressed on this side of Chamber that, to an untrained observer, he can look like he is holding a debate together. At the end of the day it would be of far more assistance if, on each occasion, he just said, 'I agree with the Australian Democrats', and allowed us to deal with someone who has applied his mind to this Bill, the Hon. Ian Gilfillan. As a disinterested observer on this side of the Chamber I must say that it is stark. The Australian Labor Party has not done any homework on this and the Hon. Ian Gilfillan, with his limited resources, has run rings around it.

Amendments carried.

The Hon. IAN GILFILLAN: I move:

Page 21, lines 11 to 14—Leave out subclause (5).

Amendment carried; clause as amended passed.

Heading.

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

Page 22, line 2—After "TERMINATION" insert:
, TRANSFER

Inserting the word 'TRANSFER' in the heading of part 8 foreshadows a later amendment which will provide for a review of certain transfers.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. This was the outcome of negotiations with the Police Association. We believe that it will be—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, this is your amendment. I would have thought that the Hon. Angus Redford would be pleased that we are supporting it.

Amendment carried.

Clauses 48 and 49 passed.

New clauses 49A, 49B and 49C.

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

Page 22, after line 19—Insert new clauses as follows:

Reasons for decision

49A. The Police Review Tribunal must, at the request of the applicant before the Tribunal or the Commissioner made within seven days after the Tribunal has made a decision on review under this Division, give reasons in writing for the decision.

Appeal from decision of Tribunal

49B.(1) Following a decision by the Tribunal under this Division, the applicant before the Tribunal or the Commissioner may appeal to the Court against the decision.

(2) An appeal under this section must be instituted within one month of the making of the Tribunal's decision, but the Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that period.

(3) On an appeal under this section, the Court may do one or more of the following:

(a) confirm the decision;
(b) quash the decision;
(c) remit the matter to the Commissioner for reconsideration;
(d) make any further or other order as to costs or any other matter that the case requires.

(4) No further appeal lies against a decision of the Court made on an appeal under this section.

(5) In this section—

'Court' means the Administrative and Disciplinary Division of the District Court.

Review of certain transfers

49C.(1) If—

(a) a decision is made to transfer a member of SA Police to another position (other than under Part 6 or section 46); and
(b) the member believes that he or she is being punished for particular conduct, the member may apply to the Police Review Tribunal for a review of the decision.

(2) An application for review of the decision must be made to the Secretary to the Tribunal within the period and in the manner prescribed by regulation.

(3) The Tribunal may in an appropriate case dispense with the requirement that the application be made within the prescribed period.

(4) If, on an application for review of a decision under this Division, the Tribunal is satisfied that the transfer is in the nature of a punishment, the Tribunal may do one or more of the following:

(a) quash the decision;
(b) remit the matter to the Commissioner for reconsideration;
(c) make recommendations for settlement of the matter.

New clauses 49A and 49B provide for an appeal from a decision of the Police Review Tribunal to terminate a person's appointment during a period of probation or for unsatisfactory performance. The appeal is to the Administra-

tive and Disciplinary Division of the District Court. New clause 49C provides for the Police Review Tribunal to review a transfer other than a transfer for unsatisfactory performance or under Part 6 where the member believes that he or she is being punished.

The Commissioner must have the flexibility to transfer members. It would, however, be wrong for a transfer to be used as a means of punishing a member. Section 24A of the present Act provides for a review by the Police Disciplinary Tribunal of a transfer where a member believes that he or she is being punished. This amendment restores the status quo.

The Hon. IAN GILFILLAN: I hope the Hon. Angus Redford is delighted at the ALP's piggybacking on the back of the Government's amendments. No doubt, there will be some bouquets flourishing in the Chamber! I believe that this is satisfactory amendment, which came relatively late on the scene. It was not in the original Bill. Therefore, the Democrats had to analyse what we saw as the Bill as it came into this Chamber. On that basis it was important to move the amendments which we moved earlier and which were successful. I am signalling that we will support these amendments and that therefore there will need to be some adjustment.

The Hon. P. HOLLOWAY: I indicated in the earlier clause that we were supporting this measure. These are complementary to the debate we had earlier. As I said, the transfer of police officers was one of the key sticking points and I understand that these amendments were derived from extensive negotiations. We are pleased that those negotiations finally took place. Of course, they should have taken place before the Bill ever came into this Parliament.

New clauses inserted.

Clause 50 passed.

Clause 51.

The Hon. IAN GILFILLAN: I move:

Page 22, line 29—Leave out 'general orders of the Commissioner' and insert 'regulations'.

I will speak to this amendment and it also applies to my next amendment to clause 52(3), which I will move without speaking to it. In this case, and it is a repeat of earlier argument, we are convinced that for confidence in the process and transparency of the process, regulations are a very valuable implementation of legislation in this place. Under 'Processes for appointment or nomination for prescribed promotional positions', 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. . .

My amendment deletes 'general orders of the Commissioner' and replaces that with 'regulations'.

The Hon. K.T. GRIFFIN: For the reasons I have already indicated in relation to the honourable member's amendment to clause 11, both amendments are opposed.

The Hon. P. HOLLOWAY: I put the Opposition's position on previous clauses relating to general orders. We will be supporting this amendment.

Amendment carried; clause as amended passed.

Clause 52.

The Hon. IAN GILFILLAN: I move:

Page 23, line 6—Leave out 'general orders of the Commissioner' and insert 'regulations'.

The Hon. K.T. GRIFFIN: The Government opposes the amendment.

Amendment carried; clause as amended passed.

Clause 53.

The Hon. IAN GILFILLAN: I move:

Page 23, after line 15—Insert:

(ab) that the applicant for the review should have been selected based on a proper assessment of the respective merits of the applicants; or

Clause 53 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. . .

The amendment is aimed at ensuring that merit will continue to be a factor in the review process. In the second reading debate, there seemed to be some disagreement between the Attorney-General and myself as to whether or not the clause was confusing. I still hold to the view that it is confusing in its original wording, and I am moving this amendment to clarify it. Paragraph (a) provides:

that the member selected is not eligible for appointment to the position; or

I seek to insert:

(ab) that the applicant for the review should have been selected based on a proper assessment of the respective merits of the applicants; or

The clause continues:

(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. . .

I will be moving that the next two lines be totally deleted because they appear to be contradictory even with the original wording of the Bill, and I quote:

and may not be made merely on the basis that the Tribunal should redetermine the respective merits of the applicant and the member selected.

I do not want to belabour the point too much, but that does appear to me to be diminishing, if not totally eliminating, the fact of merit which could be a significant part of the grounds for the application for review. Both these amendments are aimed at rewording that clause to ensure that the basis of merit will retain as a factor in any application for review.

The Hon. K.T. GRIFFIN: This is another key provision, and the Government opposes strenuously the amendment proposed by the Hon. Mr Gilfillan. Clause 53 gives the same rights of appeal against promotion decisions as public servants have under section 43 of the Public Sector Management Act. The honourable member may not recall, but in 1993 he actually supported a provision similar to that which is in this Bill, when the Hon. Robert Lucas moved an amendment to the Government Management and Employment Act. The Hon. Ian Gilfillan actually supported that amendment, which focused upon the process and removed the provision for appeals on the basis of merit.

The Government does not accept that there should be a redetermination of the relative merits of the various applicants for a position. If the selection panel has made a decision on the relative merits, we believe that that should stand and should not be grounds for an appeal. However, if there are process irregularities, that is, nepotism or patronage or some serious defect, there should be an appeal. This provides for flexibility: appointments are not delayed by appeals which have no hope of succeeding, but there is fair play. You have to recognise that under the present system, as there was under the old Public Service Act, there is a whole log jam of

appeals where an unsuccessful applicant for a position sought to challenge the decision of the determining body on the basis of merit.

So, rather than relying upon the judgment of the person or body which made the decision about who was the best person for that job, that responsibility was effectively removed by an appeal process, which many people followed for the purpose of giving it a fling to determine whether or not they could convince a panel or review body that they were better for the job than someone else. So, it was substituting the decision of a review body for the decision of the original determining body. This creates a log jam, and it can have a huge adverse impact upon morale and can create disenchantment.

One of the things we have noticed with the Public Sector Management Process is that there are some appeals on the basis of the process being inappropriate, but everybody can get on with the job. The person who has been selected on the basis of merit is able to get into that position, and everybody can get on with their lives. If we get back to what the Hon. Mr Gilfillan now wants, which is different from what he supported in 1993 in relation to public servants, we will just accentuate the potential for a log jam and allow people to play games.

As I have said so many times during this debate, the underpinning fundamentals of this legislation are set out in clause 10 of this Bill, where the principles exist and, if a serious challenge is made to the application of the principles, there is still an opportunity for judicial review. Under this provision the selection processes for filling positions have to be based on a proper assessment of merit. There is no doubt that when you have a selection panel on occasions there will be differing views about who should get the job based on merit, but ultimately it is a matter of judgment.

It seems to me that if we are to have a proper and effective management structure we must ultimately make decisions based upon those principles of a proper assessment of merit and not try to second guess or challenge the decisions that have been made, unless there is a fundamental flaw in the selection process itself. That is what we are trying to reflect here. One has to ask, why should the police be any different from other servants of the public? If it has been good enough as a result of the 1993 Government Management Act and the later Public Sector Management Act to focus on process as a basis for appeals, why should it not be adequate in this instance?

The Hon. P. HOLLOWAY: We support the amendment moved by the Democrats. It is interesting that on this clause the Attorney is using the argument that the police are no different from other public servants. Just before the dinner break, when we were discussing clause 29, dealing with resignations, we had the reverse argument.

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: When I asked him a question the Attorney conceded that such a provision applies in no other part of the Public Service. It is a bit difficult for the Attorney to have it both ways. The police force is a different institution; we all understand that. It seems to me that if we are to have a system of promotion reviews it should be able to operate and there should be some reasonable grounds on which the system can operate. We do not believe that the clause that the Hon. Ian Gilfillan seeks to insert should unduly overwhelm the review system. After all, he is merely saying that one of the grounds for an application for the review of a promotion should be that the applicant for the review should have been selected based on a proper assessment of the respective merits of the applicant. As far as the Opposition is concerned it is not unreasonable that a review process should take those grounds into consideration, so we support the amendment.

The Hon. IAN GILFILLAN: The Attorney keeps referring to the holy clause 10 as if that were a cure-all, catch-all and general salve for all problems that might arise in the SA Police. That is rather naive; that is not a common failing of the Attorney-General, but on this occasion I believe it is. The SA Police is not just another branch of the Public Service but is a particular establishment with particular codes, particular disciplinary requirements and particular managerial structures. It is not to be taken as if it were just another entity of the Public Service. Therefore, whatever wise decision I came to in 1993 is not applicable to the debate in which I am currently participating in relation to the re-establishment of legislation for SA Police.

I also point out to the Attorney that the actual wording of the original Bill emphasises merit; it does not discard merit in the review process. It actually stipulates merit in paragraph (b) and in the final sentence. It does not provide that they should not determine on merit: it provides for determination merely on merit. So, to make the case that this is introducing a red herring and will complicate the process is a nonsense argument. What it is doing is to ensure that a genuine grievance that there has been a miscarriage of estimation on the basis of merit can be heard and that it should be heard properly. I think that, on reflection, the Attorney may come to the view that the written notes were not adequate in dealing with this amendment, and the Government may well support it.

The Hon. A.J. REDFORD: I direct my query to both the Attorney and the Hon. Ian Gilfillan. I did not pick this up when I looked at the Bill earlier, and it may be that I did not understand it. If I understand the Government's position, it is that there is no appeal in relation to promotion on the grounds of merit but that there are appeals on other grounds, which I will describe for simplicity as 'process appeals'. The appeal is to the Police Review Tribunal. I may well have misunderstood it but it seems to me on reading the Bill that, in the case of an appeal in relation to a promotional review, the appeal is in fact to the tribunal constituted of a person appointed by the Minister under subclause (4) of Schedule 1 of the Bill. Subclause (4) provides that the Minister may appoint a person to the tribunal for a term of three years.

There is no reference there as to the qualification of the person to be appointed to the tribunal. I have not raised this with the Attorney or with anyone on an earlier occasion, but it seems to me that if one confines the appeal to issues of process, fairness and issues of that nature, one should have thought that that would best be dealt with by a tribunal comprising someone of some judicial or legal qualification. I remain to be corrected, but that is a fault that I identify with the Bill as currently drafted.

On the other hand, in relation to the Hon. Ian Gilfillan's position, the honourable member wants to establish a ground of appeal on the basis of merit. If one looks at the honourable member's amendments one notes that he has not suggested any amendments to schedule 1. However, it would seem to me that, if we allow an appeal on merit, the most appropriate person would be someone with some qualifications in the police force.

I am a person of legal training and am practised in the law. If there is one thing that does not mix, it is police officers and

lawyers. My whole career has been touched with observations that, generally, police officers who become lawyers are not very good lawyers and lawyers who become police officers are generally the most appalling police officers of all time.

One only need point to what happened with the National Crime Authority where lawyers were appointed to head that and to some of the disasters that befitted it. If we are to have a merit appeal, that ought to be judged by a police officer. I do not believe that a judge ought to make a decision about who ought to hold a position within the police force. They have no direct personal experience of that. So, if the honourable member's amendment is to be agreed to, the person appointed by the Attorney in that circumstance ought to be a police officer.

When one looks at reviews of this nature one sees that there are three types: an appeal *de novo*, a fresh hearing and what in lay terms occurs where you have to find an error on the part of the earlier body. As I read the honourable member's amendment, this would be a basic appeal on merits. It seems to me that, without any addition or changes to schedule 1, it would be ludicrous to have a situation where you might have an appointment to a position or a promotion determined by a panel of police officers or a senior police officer and, on the other hand, have an appeal *de novo* or a fresh appeal where some judge or someone with absolutely no experience of the police force makes a decision about who best fits in that spot. I am not sure that I am arguing against what the honourable member has moved, but I am not sure that I am supporting totally the Government's position.

The Hon. T.G. Roberts: That's a lawyer politician.

The Hon. A.J. REDFORD: But we are here in the Upper House, in the bowels of the place where legislation is properly made, to try to get the best result. If we see something that is wrong, unlike the Labor Party which just hands its ticket over to the Democrats and says, 'We will agree with everything you say,' we on this side of the Council are entitled to draw these things to the Committee's attention.

I do have some concern about appeals on their merit, because I am not sure that when it comes to merit you are not just substituting one person's subjective decision with another person's subjective decision. As I said in my second reading contribution, I had some experience of this when I was involved in probably the nastiest case in which I have ever been involved in my life when there was a series of appeals against appointments by—

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: The honourable member is getting senile; I think he ought to go. There was a series of appeals by officers in the Star Force where the morale was absolutely devastated because each officer was tearing down the other officer as that suited their purposes because it involved an appeal based on merit. At the end of the day, I saw no benefit to anyone as a consequence of that process. It was nasty. Indeed, I had cause to speak to my former client, and he managed to get another position. He had an appeal against him, and he had to go through that whole process. So, he has seen both ends of it.

Indeed, the officer who lost the last appeal is now out of the police force; he resigned in disgust. I am not too sure that these promotion appeals, where it is done basically on merit and where one subjective decision is substituted for another subjective decision, achieve anything. I understand what the Hon. Ian Gilfillan is saying, and I think process is very important. It is important that we make sure that there is no nepotism. Historically, there has been an element of that, particularly in the area of commissioned officers, within the South Australian police force. I am not sure that this will advance or achieve anything. I may be wrong, and I remain to be convinced on that.

The Hon. T. CROTHERS: I was not going to enter into the debate at this point, but some of the points that the Hon. Angus Redford has made are worth canvassing. Indeed, in respect of appeals and promotion they may even be worth widening. I do not disagree with part of what the honourable member said, that is, that it ought not to be members of the judiciary or the legal fraternity who form a court of appeal, assuming that is the case. Of course, as I understand it is up to the Minister whom they will appoint. But I do not think that the honourable member's idea that it ought to be a serving officer of the police force bears much merit, either. If you want a Commissioner who has his decision reversed in respect of some promotion, you can imagine that the future career of the officer under him who made that decision in the tribunal would not be worth much.

Therefore, it would be very difficult to get an officer who would be game enough to put their career in jeopardy in respect of making an appeal that is contrary to the wishes of the Police Commissioner. But there is some merit in what the Hon. Mr Redford has said in that we must have experienced people. Of course, many retired police officers may well fit that bill, because, make no mistake about it, the morale of our police force is at an all time low in respect of many things. But one of the major things that has it at an all time low is the fact that promotion is to merit, such have been the economic cutbacks and promotions which have been left standing vacant for 18 months. Senior Sergeants and other vacancies for ranks the equivalent of or greater than that have been left vacant for some time because of the instructions that the Commissioners have had from the Government.

We heard the Attorney refer to it today, namely, that one of the progressive orders of merit is working to budget. When it comes to our police, the old maxim, 'If you want monkeys, pay them peanuts,' applies. We have one of the most honest police forces in this Commonwealth and, given the amount of power with which they are entrusted, it is very commendable that the vast majority of them go about their duties in the normal way. I would never want to see the position arise that we have experienced on a number of occasions both in Queensland and New South Wales. Once that sort of corruption is entrenched, it is very difficult indeed—as the experiences in New South Wales and Queensland have shown. We have an honest police force. I have said it again and again, and it bears repeating: we have the most honest police force in mainland Australia and probably one of the most honest, if not the most honest, in the English speaking world.

One must pay careful attention to ensuring that career paths are earned by merit and not because someone is a sycophant or brother-in-law or cousin of the serving Commissioner. That sort of nepotism can only lead to disgruntlement and you cannot keep those factors secret. Those things happen in other areas, but I am not so familiar with the police. Therefore, in my view it is very important not only that justice must be done with an appeals mechanism but also that it must be seen to be done, particularly by the police who understand the law better than most.

As I said, I have some agreement with the principles espoused by the Hon. Angus Redford. Where he and I differ is that to me the appointed serving police officer on that tribunal, given the pressure that he or she could be under

from the Commissioner, equates to putting a fox in the hen house to serve as a watchdog. However, I believe there is some merit in where the Hon. Angus Redford is coming from, because it takes one to know one. If we want a police force that is by and large promoted on merit, and where the tribunal is held in high regard because of its honesty and integrity, then it would be accepted. There is nothing worse for morale than having a tribunal set up in such a way that it gives the appearance of effecting justice but in fact is really set up only as a catch-all for injustices that have hitherto been brought to it. There is some merit in having some police serve on the tribunal, particularly police who have retired from the force and are therefore beyond reach in terms of their integrity, independence and future wellbeing compared to any other senior officer in the force.

The Attorney should pay some attention to what the Hon. Angus Redford has said. This is the second time this year I have agreed with him, so it is a unique occasion. Nonetheless, members on this side, as he said, have the capacity to think for themselves. I am not frightened to express my views when the occasion arises, either. As to the differences I have highlighted, not to the principle but rather to the proposition put forward to fulfil those principles, some careful thought on the Government's and the Attorney's behalf should be given to what I would call the Redford principle.

The Hon. K.T. GRIFFIN: I cannot avoid responding to the Hon. Mr Crothers. To make that bold and generalised assertion that morale in the police is at an all time low is really to—

The Hon. T. Crothers: Talk to them.

The Hon. K.T. GRIFFIN: It is not. I have talked to them, and morale is not at an all time low. I think that demeans the officers in the South Australia Police. The honourable member makes reference to positions being left vacant but the fact is, as I indicated, that when you have merit appeals you frequently have a long period of positions not being finally filled because of the appeal process. It acts like a snowball and gathers momentum and one position depends on another, depends upon another and so on. In those circumstances, none of the positions gets filled in the short term.

The Hon. Mr Crothers also raised some genuine concerns about nepotism, but he does not seem to understand that already clause 53 allows an appeal where nepotism in the appointment is alleged. So, that is already covered.

The Hon. T. Crothers: We are talking about the composition of the appeal tribunal.

The Hon. K.T. GRIFFIN: No. The honourable member raised it not in the context of the composition of the tribunal but in the context of a complaint about the content of the clause.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: Yes, you did.

The CHAIRMAN: One at a time, please.

The Hon. K.T. GRIFFIN: I can deal with the issue of the composition of the tribunal: it is one person, according to the provision in the schedule. Under the Public Sector Management Act the promotions and grievance tribunal is constituted by Mr John Lesses. It does not matter whether you are John Lesses, Ralph Tremethick or anyone else. What the Opposition and the Democrats are proposing is that that one person, without a real understanding of what is needed in a modern up-to-date police force, will make a decision about who is the preferred candidate on merit, rather than that being a matter which is left to the selection process within SA Police.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: The Hon. Mr Gilfillan says that merit is already referred to in the clause, and that is correct, but he fundamentally misunderstands the context in which merit is referred to. Let me take members through the clause, as follows:

> 53. 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—

that is, did not satisfy the basic criteria required for that position—

> (b) that the selection processes leading to the decision—

The Hon. T. Crothers: Does the Commissioner lay down the criteria?

The Hon. K.T. GRIFFIN: Yes.

The Hon. T. Crothers: What if the criteria are wrong? Can that be appealed?

The Hon. K.T. GRIFFIN: No, not even an appeal on merit will do that.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: No, I am not. Even an appeal on merit will not change the criteria. Paragraph (b) provides:

> 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;

That is an issue of process. It is not an issue about who is the best person for the job. That decision is left to the panel. Paragraph (c) provides:

> or 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.

That means that it is not a matter of determining merit. It is a matter of determining process and defects in the process. Going back to allowing a tribunal to second guess the panel about who is best qualified for a particular position in the context of a modern police unit is in my view a retrograde step and is not conducive to getting the best person for the job.

The Hon. IAN GILFILLAN: In response to the Hon. Angus Redford's thoughtful comments, clause 52(3) has a sort of filter, so that there will be a restriction on those who just willy-nilly will line up for due process. The other point is perhaps more relevant to his observations because clause 53 clearly and specifically, in spite of the extensive if somewhat forlorn attempt by the Attorney to avoid interpretation of it, loads onto the tribunal at least a proportion of the assessment of the merit. It may not be entirely on merit, and this was one of the things where I have a disagreement with the intention of this clause. It has to review the respective merits; it provides that in paragraph (b). If you take the injunction of the final sentence, it merely means that some other factor will be involved. It does not provide that the tribunal will not consider the respective merits; it does not provide that at all. All it provides is that that should not be the only criterion upon which the tribunal makes its determination.

If the tribunal is inadequate to determine merit, it will be inadequate to determine the clause as it is originally in the Bill. That failure would take place in both cases. The honourable member's point about the competency of the tribunal is a reasonable one to make, and that may need to be addressed in who gets appointed to the tribunal or some other issue. I do not think that is a reason to reject the purpose of my amendment which is to bring out quite unashamedly the

opportunity for review on merit. We have probably all understood the position. I just wanted to respond to the Hon. Angus Redford's comments.

The Hon. A.J. REDFORD: I am grateful for the responses both from the Attorney and the Hon. Ian Gilfillan. I understand the Hon. Ian Gilfillan's desire to proceed with his amendment. I just hope that this is dealt with either by way of discussion after this place has finished with it or by way of deadlock conference if I am not involved, and I hope that some more careful thought is given to the issue. I accept what the honourable member said about the word 'merely'. It leaves it a bit open ended even as it stands in terms of dealing with merit. It is important that, when it leaves the Parliament, everyone knows the position, because it is not clear as it stands. On the other hand, in relation to what the Attorney said, I have to say I am absolutely appalled, without in any way reflecting on John Lesses, that a person who has had absolutely no experience in being a police officer is entitled to impose his subjective judgment—

Members interjecting:

The Hon. A.J. REDFORD: Sorry, I misunderstood. So, it is not John Lesses that will be doing this?

Members interjecting:

The Hon. A.J. REDFORD: Sorry, I misunderstood. I thought the Attorney was saying that John Lesses will be the police—

An honourable member interjecting:

The Hon. A.J. REDFORD: I still have a great deal of trouble with how the subjective decision of one person can be replaced with the subjective decision of another. It does not deal with nepotism at all. Who is to say that nepotism will not be within the bowels of the police force and the person who is making the initial decision and will not be with the single person, to whom every single appeal will go. If you analyse it, you are more likely to get nepotism when it all goes to one person as opposed to promotions and appointments being made by different senior police officers throughout the police force. I am not sure that the amendment deals with the issue of nepotism at all. In fact, it may well enhance it, because there is no provision there for any appeal to lie from any decision made by the Police Review Tribunal.

The other day, my attention was drawn to the matter of the police officer at Beachport. I know the Hon. Ian Gilfillan knows where it is but, for the benefit of members opposite, it is a small town on the South-East coast on a road from Millicent. I commend any member of the Opposition to go there at some stage. Unlike the shadow Minister for Police's electorate, where if you are down a police officer you are not far from the city square of Adelaide, this guy is a fair distance away. I understand the concern of local police which has been expressed to me that the position will not be filled for a considerable period. I understand that that is a consequence of the current situation, because of outstanding appeals and the current appeal process that takes so long, because there are so many of them.

It concerns me that a community such as Beachport—and Beachport is a small town that probably increases seven or eight fold over Christmas and new year—has had enormous problems on occasions but has not had a police officer at all. It is all well and good to say, 'We will march them in on New Year's Eve when the trouble might occur.' However, the local police officer knows a lot about what is going on in that town well before the outsiders come in. It is the current process where the whole of these matters have been bogged down on merit appeals, that is hindering, on my understanding, the appointment quickly of a replacement for Beachport. At the end of the day, that community is suffering. I cannot see, with all due respect to the Hon. Ian Gilfillan (and I respect that he will have another look at it), that his amendment will resolve that; in fact, all we will do is get a repetition of that sort of problem. I share his concern about the issue of nepotism and the like.

On the other hand, I have some concern that, if we are going to have, as the clause currently stands, the grounds of appeal that are set out there, and if the appellate body will not be able to substitute its decision (in other words it just sends it back for a decision in accordance with the law), why not have the Police Review Tribunal constituted of a District Court judge selected by the Chief Judge of the District Court as set out in clause 2 of schedule 1?

The Hon. T. CROTHERS: I was not going to, in a sense, add fuel to fire, but I, too, have to take issue with the Hon. Mr Griffin, because of his misunderstanding of what I was about. I was about the composition of the tribunal. I was also about informing him of the absolute discontent confirmed to some extent by Hon. Angus Redford amongst the police in respect of promotion. In fact, it would not be too farfetched for me to quote from Shakespeare, who wrote, in *Richard III*:

> Now is the winter of our discontent. . .

That is the cancer that is currently permeating the morale of the police force at this time. It is not totally based on the slowness of promotion or people not being promoted on merit or correctly, but certainly in regard to the slowness of promotion and the fact that budgetary constraints have meant that many positions have not been filled. There is no doubt the Attorney must not be talking to many ordinary police if he tells me that morale is not at an all time low in the South Australian police force: it is.

My concern is that, if you have an appeals tribunal, then it has to be comprised in such a way that the people serving in a tribunal cannot be put under duress by a senior officer with respect of the process of decision making by a senior officer in the police force or cannot have a buddy-buddy acquaintance with the Police Commissioner as a member of the judiciary or the magistracy might have. These officers give effect to the laws of this Parliament, laws that for the most part are appealable, particularly cases of note, whether it be from the magistracy or the Supreme Court or whatever judicial body you like. In fact, there is more than one avenue of appeal. You can have an appeal by all sorts of mechanisms. You can have an appeal before a single judge of the Full Bench, right up to the High Court before those appeal mechanisms are exhausted.

America, which probably has some of the most corrupt police in the world, has gone the other way: there are too many appeal mechanisms available to people who have been found guilty and been sentenced for severe criminal offences. However, it would be wrong if one thought that one could address the present cancer of unrest in respect of promotion by cobbling together some form of a tribunal which is really like a wallpaper frieze which is purely designed to enhance the beauty of the wallpaper but which does nothing for the wallpaper itself.

If you have a tribunal such as the one envisaged by the Hon. Mr Gilfillan it must be one whose resolution of a problem is totally accepted because of the integrity of the tribunal. It was on that subject matter that I waxed eloquent, and anything else that touched on that subject matter emanating from my mouth was purely peripheral to what I

believe is an important principle: if you are to, in the Attorney's words, 'modernise' the South Australian police force, you do not modernise it by taking three steps backward but by taking one or two steps forward.

If this tribunal evolves, as I hope it will, we will take at least half a step forward. Anything less than that is to go back into the dim distant past at a time when the workload of the police is becoming more and more severe because of the breakdown of society and unemployment. We must reach out and somehow ensure that the legislation that we pass here does not add to those stresses and strains. If this appeal mechanism is not acceptable to the Attorney, there will surely be an ongoing continuance of the stresses and strains of those of us who move in lower circles and not in the cloud cuckoo land of commissioners and deputy commissioners.

I mean no reflection on the Attorney; it is difficult for him to get out and about, the same as it is for the rest of us. It is also difficult for the Attorney because of his Christian beliefs, for which I pay tribute to him. The Hon. Angus Redford wrinkles his nose. Is he not a Christian? Because of that, I think it is difficult for the Attorney to get out and about and be as exposed as some of the rest of us rough diamonds are and have been. I believe there is much merit in the—

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: I will pretend I missed that interjection. You are so low I cannot see you; you might even be beneath contempt. I think there is much to be said for the Hon. Mr Gilfillan's proposition. I urge the Attorney to look at it carefully.

The Hon. A.J. REDFORD: What qualifications does the Attorney envisage that the person who will comprise the tribunal under clause 3 of schedule 1 of the Police Bill will have?

The Hon. K.T. GRIFFIN: We will wait until the Bill is passed. We have not given any consideration to the qualifications of the person who might fill that position.

The Hon. A.J. REDFORD: I do not know whether that answer is entirely satisfactory. Will that person be a police officer or a public servant.

The Hon. K.T. GRIFFIN: We have not given any consideration to that matter. We must get the Bill through first. However, it will certainly not be a judge or a magistrate.

The Hon. T. CROTHERS: Will the Attorney give consideration to some of the comments made by Opposition members in respect of the setting up of and appointment to this tribunal?

The Hon. K.T. GRIFFIN: I will always give consideration to whatever any member of Parliament says, but I will not necessarily agree with it. In respect of the appointment, I will not be the Minister responsible for the administration of this legislation on a day-to-day basis. I am sure that the responsible Minister will have regard to the issues raised in the Parliament. The way in which these things develop after enactment by the Parliament is through some degree of consultation, including, on occasions, consultation with the Opposition.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 23, lines 20 and 21—Leave out all words in these lines.

Amendment carried; clause as amended passed.

Clause 54.

The Hon. IAN GILFILLAN: I move:

Page 23—Leave out this clause and insert:

Determination of application

54. On an application for a review of a selection decision under this division, the Police Review Tribunal may do one or more of the following:

(a) confirm the decision;
(b) quash the decision;
(c) order that the applicant for the review be appointed to the position;
(d) order that the selection processes be recommenced from the beginning or some other later stage specified by the tribunal.

This amendment seeks to provide a wider range of options and more power to the tribunal.

The Hon. K.T. GRIFFIN: The amendment is opposed.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. It is not significant. The additional options that are given to the Police Review Tribunal are, first, to confirm the decision—that is implicit in the clause—and, secondly, to order that the applicant for the review be appointed to the position. We see no problem with adding these options to this clause. We support the amendment.

Amendment carried; new clause inserted.

Clause 55.

The Hon. IAN GILFILLAN: I move:

Page 23—Leave out this clause.

This amendment is consequential. It is probably tied up with my earlier amendment to clause 11 where paragraphs (c) and (d) were deleted because I wanted to use new clause 60A to provide a separate and more prestigious way of dealing with promotions. That is what new clause 60A attempts to do. It is my understanding that clause 55 is not necessarily at odds with anything, but it is unnecessary in the light of the successful replacement with new clause 60A.

The Hon. K.T. GRIFFIN: The amendment is opposed. Clause 55(b) refers to the special qualifications and so on required for a position. If, for example, the position is one that requires some skill such as scuba diving experience then I would have thought that a determination by the Commissioner that those requirements are necessary should not be able to be questioned by the tribunal. The same situation applies for other positions: it may be that fingerprint or some other forensic expertise is required. In some instances those sorts of skills will be provided by civilians, but they may be required by a police officer.

If, for example, there is a position requiring special intelligence analysis skills why should not the Commissioner be able to prescribe those skills or experiences required for that position? The Commissioner's view of the qualifications required for a position should not be able to be questioned just as such matters cannot be questioned by the Promotion and Grievance Appeals Tribunal under the Public Sector Management Act. Although the honourable member is proposing a regulation making power in new clause 60A, I challenge anybody to anticipate what skills might be required for positions in a changing SA Police and to require those to be prescribed by regulation. I suggest that that will mean either a very static and unchanging police or that there will be many amendments to regulations to accommodate the changes that will be required on a fairly regular basis as different skills and qualifications are required.

With all due respect to the Hon. Mr Gilfillan, I think that deleting clause 55 and enacting a provision such as new clause 60A, which tries to get around all this by putting it out in regulations, is short-sighted, cumbersome and will put the Commissioner in a straitjacket so that we will not have a modern, forward-looking South Australian Police but one which, when we get to the twenty-first century, will be cast

in stone. I think that modern management, whether it is for the police, the Public Service or anything else, needs to give the Chief Executive Officer flexibility in setting up what sort of positions are likely to be required and what sort of qualifications are required, and then to fit the people with the necessary skills to those criteria.

The Hon. P. HOLLOWAY: The Opposition will support the amendment. The real problem with clause 55 is that it is the prescription by which the Police Commissioner may institute cronyism or patronage, as it is described in clause 53, into the police force. If I can take an analogy, anyone who is familiar with the Public Service would know how departments can get what they want when setting tenders, and there are some famous cases in the military forces where they wanted particular sorts of hardware. It is not very hard to draw up a tender specification such that you can eliminate everything else other than that which you want. In relation to appointments, if you give the Commissioner broad-ranging powers to set the criteria, basically you can design it to get the person you want. I fear that that is the danger with the clause as it stands.

At the same time I concede that the Attorney has a point when he says that you need some flexibility in this. The solution that the Hon. Ian Gilfillan has provided and the one we will be supporting is that the Police Commissioner can set out through regulations the criteria, qualifications and so on that is prescribed there. What we would not like to see is a situation where the Commissioner can tailor make a specification to get a particular person. That really is the patronage that we were talking about in clause 53. If this clause is carried a person would not be able to appeal against that. While this is a difficult area to deal with—I concede that—I believe that the amendment moved by the Hon. Ian Gilfillan is preferable to the existing clause at this stage.

The Hon. K.T. GRIFFIN: What this effectively means is that every job and person specification will have to be set out in the regulations. If the Commissioner wants to get different skills into a different position and not replace another, it means another amendment to the regulation. I suggest that it really is unworkable: it is totally and unequivocally unworkable. To put this sort of hamstring on a Commissioner will turn back the clock and you will not have a forward-looking and flexible South Australian Police. The Hon. Mr Holloway has at least left an opening there which hopefully we might be able to work on when we get to a deadlock conference, but I can tell you from my own experience and from the way in which the Public Service, business and the police force operates now that this is a hopeless position for us to end up with. I sincerely hope that we can have a much more sensible and flexible approach once we get to the real nitty-gritty of negotiations behind closed doors.

The Hon. IAN GILFILLAN: We do not need to go behind closed doors to appreciate that regulations are a very effective way of stipulating quite effective conditions. The other bogey that is being waved around is that these regulations will come from outfield by someone who has no sensitivity and no awareness of the requirements for the job of regulations. In fact, 99.5 per cent of the regulations will have been proposed and perhaps even drafted by the current highly skilled Commissioner, and the only difference is that they will be presented to this Parliament to an excellent committee which is dealing with a frequent flow-through of regulations. In many cases those regulations just pass through. They are drafted by experts to do a job. They are not changed because of a whim of a particular person at a particular time, they are drafted so that they will catch the person who needs to be a scuba diver, for example.

There are words in the English language which allow flexibility. The legislation must allow flexibility. If you want total flexibility, throw out the Act and say to the Commissioner, 'There you are. You have your $50 million or $60 million. Go and run a police force, and then tell us what you are going to do with it.' The fact is that our job is to stipulate how those officers will be the servants of the people in this State and do a job, and that is why our amendments insist as much as we possibly can that it will be transparent and answerable to this Parliament. I sound like a parrot: I have gone over it so many times. To hear regulations denigrated as if they are some spurious, underhand and destructive measure really insults the processes of the Parliament. Regulations have an extremely important role to play and I believe that in this case they are totally appropriate.

Amendment carried; clause negatived.

Clauses 56 to 60 passed.

New clause 60A.

The Hon. IAN GILFILLAN: I must confess that the geography of this clause has me slightly bewildered. I think that clause 60A relates to the discussion we were having regarding the deletion of clause 55. I see that the amendment that I have on file carts it over to page 25, after line 2, which strikes me as being in error.

The Hon. K.T. Griffin: After the word 'Miscellaneous'.

The Hon. IAN GILFILLAN: Minister, does that not appear to be inappropriate to you as an objective observer?

The Hon. K.T. Griffin: No.

The Hon. IAN GILFILLAN: It may be that Parliamentary Counsel is wiser than I, but the 'Appointment and promotion procedures and qualifications' section appears to me to be relevant to the area where we just deleted clause 55, 'Determination of question of eligibility for appointment'. They seem to be much more closely aligned than to have my amendment moved into 'Miscellaneous'. Have we dealt with clause 56?

The CHAIRMAN: Yes, we have. The honourable member will recall that there was nothing on file and I asked members to pass five clauses.

The Hon. IAN GILFILLAN: I move:

Page 25, after line 2—Insert:

Appointment and promotion procedures and qualifications

60A Members of SA Police, police cadets and police medical officers must—

(a) be appointed and promoted in accordance with the procedures prescribed by the regulations; and

(b) have the qualifications or satisfy the requirements prescribed by the regulations.

I believe that is a pertinent amendment to the debate we have been having regarding the conditions and circumstances by which a person may be promoted or appointed.

The Hon. P. HOLLOWAY: When dealing with clause 11, we deleted the power of the Commissioner to make general orders in relation to qualifications for appointment or promotion and appointment in the promotion processes. So, this clause is a necessary consequence to give the Police Commissioner the power to make these by regulation. It has to be inserted somewhere within this Bill, so I see this measure as consequential on the amendment we dealt with under clause 11.

The Hon. K.T. GRIFFIN: The Government opposes the amendment.

New clause inserted.

Clauses 61 to 65 passed.

Clause 66.

The Hon. IAN GILFILLAN: I move:

Page 26, after line 12—Insert:

(1a) Despite subsection (1), remuneration may not be withheld under that subsection for more than two months.

This amendment is to put some time limit upon which the Commissioner can suspend a person without remuneration. It appears to us that a two month suspension without remuneration is a substantial imposition, but as the Bill is currently drafted the Commissioner has the power to virtually suspend without any remuneration or accrual of any rights for an unlimited period. That is the purpose for this amendment.

The Hon. P. HOLLOWAY: The concern of the Opposition to clause 66 was that the Police Commissioner has the power of suspension but, as we see the clause, the Commissioner could in fact make an indefinite suspension without pay which over time could become equivalent to dismissal. We are concerned that there should be some limit on that power of suspension and will support the amendment moved by the Hon. Ian Gilfillan to put a limit on that of two months without pay. One can argue about what the particular time should be, but the point is that there needs to be some limit on the time under which a police officer might be suspended without pay by the Police Commissioner. If it goes on and on it becomes a much more severe penalty than otherwise might be the case, so we support the amendment.

The Hon. K.T. GRIFFIN: The Government does not support the amendment, but at least there may be an opportunity to do some further work on it later. I raise the position of a police officer who might be charged with a serious criminal offence and who is on remand. It seems incongruous that that person should be able to draw a salary from SA Police while awaiting trial on a serious charge, but we will address that issue later. I oppose the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (67 to 72) passed.

Schedule 1.

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

Page 29, lines 5 and 6—Leave out subclause (2) and insert:

(2) The Chief Magistrate of the Magistrates Court will, on the commencement of any proceedings under Divisions 1 or 1A of Part 8, select a Magistrate to constitute the Tribunal for the purpose of those proceedings.

The Police Review Tribunal is established under schedule 1. This amendment brings the composition of the tribunal when it is conducting termination or transfer reviews under Divisions 1 and 1A of Part 8 into line with the composition of the Police Disciplinary Tribunal established under the Police (Complaints and Disciplinary Proceedings) Act.

The Hon. P. HOLLOWAY: The Opposition supports this amendment. I understand that this has been the subject of negotiation, so we have no objection to it.

Amendment carried; schedule as amended passed.

Remaining schedules (2 and 3) and title passed.

Bill read a third time and passed.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1017.)

The Hon. P. HOLLOWAY: This Bill seeks to amend the Police (Complaints and Disciplinary Proceedings) Act 1985. The Bill contains a number of amendments relating to the make-up and powers of the Police Disciplinary Tribunal. The Opposition's main concern regarding this Bill relates to the proposed amendments to section 39(3). Section 39 of the Act gives guidelines as to the charging of a member of the police force for a breach of discipline. Section 39(3) provides:

Where the tribunal is satisfied beyond reasonable doubt that the member committed the breach of discipline with which he or she is charged, the tribunal must make a finding that the member is guilty of the breach of discipline and remit the proceedings to the Commissioner for the imposition of punishment on the member in accordance with the Police Act 1952.

That is the current provision. This Bill seeks to replace the current test or standard of proof of beyond reasonable doubt with the test of the balance of probabilities. *Howard's Criminal Law*, Fifth Edition 1990, states that, historically, the balance of probabilities has been regarded as a burden of proof in civil matters. A criminal case requires the test of beyond reasonable doubt—a test which is more restrictive and therefore more difficult to achieve. Its main purpose is to ensure that an accused person in a criminal trial is convicted 'only if his guilt is so clear that he cannot succeed in raising a reasonable doubt about it in the minds of an impartial jury'.

In his second reading speech the Attorney-General stated that the purpose of amending the burden of proof in police disciplinary matters is to ensure that the disciplinary process is not thwarted because something cannot be proven beyond reasonable doubt. Surely the overriding need in cases such as these is for justice to be done. Watering down the original legislative test lays open a very real danger that justice will not be done. When the Act was passed in 1985, the test of beyond reasonable doubt was specifically included, I believe, to ensure that the highest standard of proof, and therefore the strongest legal safeguard, was made available in the police disciplinary process. At the time, the Attorney-General himself said:

. . . it is easy for criminals to make allegations to discredit honourable police officers and, because they are police officers, it is so much more difficult for them to protect their own character and integrity. (*Hansard*, 13 March 1985, page 3 183).

There was even some discussion during debate on section 39 as to whether the tribunal should be constituted of a judge, which indicates how seriously this process was considered. Then, as now, there was a recognition that the South Australian police force is considered the best in Australia. As my colleague in the other place, the shadow Minister for Police, Pat Conlon, stated during debate on the issue:

No persuasive reason has been put forward to change the standard of proof in such matters.

We are aware that a review headed by former Judge Iris Stevens was the basis for much of the amendment before us—both in this Bill and the Police Bill—but this report has not been made available. I would like the Attorney to address this issue and to say whether that report has been completed. If so, can we get a copy of it, and, if we cannot, why?

The Attorney-General tells us that other States used the civil burden of proof in similar cases, and this is really his main argument for changing our legislation. This is simply not good enough. This legislation is too important to be changed on such a flimsy premise. It is my understanding in any event that legislation in other States is silent on the burden of proof issue. Case law has in fact decided the issue.

In 1985 the South Australian Parliament deliberately enshrined the highest standard of proof in legislation so that this would not be an issue. This was done because police disciplinary actions are extremely important and require more than the civil standard of proof used in other administrative tribunals. Police officers are often put into untenable positions because of trifling or malicious complaints. They are considered by the public to be of the highest character. While there will always be a need for disciplinary action, a tribunal's decision can lead to very serious consequences for an officer. Of course, we have just been addressing this very issue in the Police Bill which has just passed.

Police officers are set apart from the community in the work that they do. Their right to a fair hearing must be protected, and for this reason the highest legislative protection must be offered. I can indicate, therefore, that the Opposition will seek to amend this Bill to restore the beyond reasonable doubt test to cases at least where a police officer can be dismissed as a result of a hearing. We believe that is the very least that should be undertaken before we would see this Bill pass.

In conclusion, the police of this State are subject to more complaints than other members of the public because of the nature of their job. It is inevitable that a number of people will make complaints for all sorts of reasons because they believe it might help them get off charges or whatever. I have been a member of Parliament in another House, and at the time I had a number of people through my electorate office who had made complaints to the Police Complaints Authority about various matters.

When one deals with a number of those matters, one soon realises that there are some people who really do have an obsession with the police and with making complaints. However, much as they believe them to be true, it is quite obvious to anyone who has dealt with these matters that it is an area which could be open for abuse. Therefore, it would be an intolerable situation if a police officer could be dismissed as a result of disciplinary proceedings based simply on the balance of probabilities. We will not oppose the Bill at the second reading but will certainly seek amendments to give the police the protection which we believe they deserve.

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

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1087.)

The Hon. T.G. ROBERTS: I feel a bit like someone who has been sitting in the pavilion with the pads on while Edrich and Boycott have made a very slow 250.

The Hon. L.H. Davis: You look a bit like it, too.

The Hon. T.G. ROBERTS: Which one do I look like? I indicate that I will not support the Bill. It is one of those cyclical Bills that comes into the Council if not every 12 months every two years. The Government gives it a bit of a try, rolls it on, goes away with a blood nose and then we will see it back in about another 18 months or two years.

The only difference with this Bill at this stage is that it has developed out of a political time warp. I can understand the Liberal Party's wanting to abolish compulsory voting two or three years ago, but I am sure that if the same resolution were committed into the regional branches for discussion, particularly in Queensland, New South Wales and perhaps regional areas of Victoria, we would find that a lot of Liberal Party activists would be even bigger victims of the conservative revolution that is taking place in the hinterlands.

In a lot of cases where compulsory voting does not exist it has been shown that there are extremists who have vested interests in getting to the polling booths and making extraordinary efforts to mobilise their supporters to form pressure groups that do not reflect the broad mass of opinions which, generally, are out there and who must to be cajoled into voting. I would be the first from the Labor side of politics to admit that not all people want to attend polling booths to cross off their names. That is what we are talking about: we are not talking about compulsory voting in this State. A lot of people do not like being inconvenienced to a point where they have to attend to a function that they really do not have any heart for. A lot of people do not take an interest in politics, although we all would like them to be informed and to make an informed vote. I am sure that, if a straw vote was taken in a lot of areas in relation to whether compulsory voting should exist, it would not be hard to convince a lot of people that the compulsion should be removed and that there should be voluntary voting; but that would be only a minority.

The political formations that are starting to develop in Australia—and I suspect in South Australia—at this point would not find it at all hard to mobilise their forces to vote against either major Party and to elect candidates of dubious repute to try to form a loose coalition of forces to oust the current Government. I do not say that because I have any particular animosity towards the Liberal Party as a major functionary in a democracy. The same circumstances would exist if we were in Government. The climate at the moment is such that, whichever major Party is in Government will be victim of a large and negative vote, particularly in the regional areas of this State and other States.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: Yes. Both major Parties have not read the signs well and the economic circumstances in which we find ourselves internationally and nationally have certainly brought about a large degree of disrespect for both major Parties in Australia. This phenomena is not confined to Australia, but it is certainly something that we have to have regard to. I would not like to see the Bill passed at this or any other time because political hiccups and changes in perception of people concerning their elected majorities change from time to time. When times are difficult, it is not hard to motivate people to vote not for anyone but against the Government and, in this case, the major Parties.

As to the Liberal Party's problem in the current economic and political times, the Labor Party had a long period in Government and at the election when the Federal Labor Government was defeated in, I think, 1993, an argument could be put forward that the Government was looking and sounding tired. That was one of the campaign slogans that the then Opposition and now Government used. An argument could have been put forward that some of the people on the front bench were a little slack in the way in which they were dealing with constituent matters and explaining their policies through television cameras to people's lounge rooms and the messages in the daily press. Unfortunately for the Liberal Party, when it came into Government many people in the community thought a change in Government would bring about a changed set of circumstances that might bring about

an improvement in their standard of living and way of life. Unfortunately, what they got was more of the same and, although the then Federal Howard Government promised that it would bring about a changed attitude toward politics, because it would listen and bring in policies that the battlers would be able to grab hold of—John Howard was going to be the champion of all people for all times—unfortunately it fell away within probably the first three months of Government.

The disillusionment then set in when most people realised that their lives were not going to change for the better because the restructuring in the economy nationally to suit the economic circumstances internationally meant that their lives were not going to change with the change in their vote. So, the Liberal Party at State and Federal level probably had a short honeymoon in which to bring about changed circumstances to allow themselves to be popularised and revered by the people.

We now find ourselves in circumstances where both major Parties are in a position where a large percentage of the electorate believes that the Parties do not have answers to the difficult problems that face Australia and South Australia economically. They believe that the selling of our assets is not a particularly popular way to go and that the silver bullet excuse for the changing circumstances in which we find ourselves is not an alternative. They see that the restructuring process that most regional communities have experienced has not been of any benefit to them. The pain that has gone ahead of the gain has not brought about any gain and the pain continues. We now have a whole section in the community disillusioned with politics and politicians altogether.

If the Bill passes in the current climate, I suggest, based on the figures available from other English speaking democracies, say, the average English or British turnout of somewhere between 40 to 60 per cent, we would find in, if not a majority of seats in rural areas in Queensland, New South Wales and some in Victoria and Western Australia, then in many seats people not voting in a positive way for a Government. People would be voting in conservative members making snake oil promises that would never deliver good government. My point is that, if there are temporary aberrations that bring about disenchantment broadly through the actions of the Government or economic circumstances, compulsory voting at least protects democracies from the successful campaigns waged by well financed groups with media assistance to unseat sitting members of Government, be they Liberal or Labor.

The situation could be better gauged by members opposite talking to their colleagues in regional areas. I know the Hon. John Dawkins has just returned from servicing his elected members in regional areas. Where rural based Government members have been servicing their membership and where constituents are familiar with the work of their local member, I am sure those local members will survive and not be challenged by ultra conservative forces in those electorates. But where regional seats have been neglected by sitting members, I am sure they will be pushed and will face severe tests from combinations of conservative forces operating in regional areas.

Some contributions as to Australia's system of compulsory voting would lead us to believe that no other countries in the world have voting as we have it, where it is compulsory to attend and strike your name off or submit a vote. The most recent information available to me names these countries as having compulsory voting systems similar to Australia: Argentina, Austria, Belgium, Bolivia, Brazil, Cyprus, Ecuador, Egypt, Greece, Guatemala, Peru, Singapore, Switzerland and Venezuela, and there is some evidence to think, based on Parliamentary Library of South Australia Research Services (Jenny Newton), that voting is compulsory in about 21 other countries. We are not alone.

Australians tend to take their voting responsibilities seriously. There is not a huge cry from the public to abandon their responsibilities in relation to voting. As I said, if you took a straw poll in some areas, you might get a higher indication than others. However, in the main, Australians take their democratic responsibilities seriously. It is irresponsible for any serious Party or Government to put forward Bills such as this as often as we find this one put forward. I suspect that the intention of the Government in doing so as regularly as it has is to try to embarrass the Council, which is also subject to some pressures in relation to the cost of a democracy and the way in which a democracy operates by suggesting that a single House would suffice in this State. It is one of those issues that has been put forward as regularly as it has for reasons other than wanting to discuss the issue of whether the abolition of compulsory voting is a good thing. With those few words, I indicate again, as I have indicated earlier, that I oppose the Bill and that I will vote against it.

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

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of House of Assembly's message—that it had disagreed to the Legislative Council's amendments:

The Hon. R.I. LUCAS: Having a thorough understanding of all the issues related to this piece of legislation, I am now confident in moving:

That the Council do not insist on its amendments.

The Hon. CAROLYN PICKLES: The Opposition certainly insists that the amendments moved by the Legislative Council should still be agreed to.

Motion negatived.

ADJOURNMENT

At 10.6 p.m. the Council adjourned until Wednesday 5 August at 2.15 p.m.