LEGISLATIVE COUNCIL

Friday 27 November 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 11 a.m. and read prayers.

QUESTION TIME

MOTOROLA

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about the inquiry into the honesty of the Premier.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday in the House of Assembly the Opposition attempted to detail a case that the Premier had deliberately misled the Parliament on at least five occasions in relation to statements he had made on the matter of Motorola. In an effort to avoid a decent and open debate in the House of Assembly on the issue, or to have it examined by a privileges committee, the Government has called—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. The honourable member is seeking to reflect upon a debate in another place. As I understand Standing Orders, that is wholly out of order.

The PRESIDENT: To what Standing Order are you referring?

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: I will refer to the issue. The honourable member reflected by saying that what was attempted—

The PRESIDENT: To what particular Standing Order are you referring?

The Hon. A.J. REDFORD: Standing Order 188, Mr President.

The PRESIDENT: My advice is that there is no point of order. Honourable members can refer to the other House.

The Hon. CAROLYN PICKLES: In an effort to avoid a decent and open debate in the House of Assembly on that issue or to have it examined by a privileges committee, the Government has called on the Solicitor-General to carry out an inquiry into the matter. The Solicitor-General is not independent of Government. The Solicitor-General Act 1972, section 6—Duties and obligations of Solicitor-General—states:

> The Solicitor-General—
> (a) shall at the request of the Attorney-General—
> (i) act as Her Majesty's counsel;

In other words, he is the Government's lawyer. The National Party MP for Chaffey, Ms Karlene Maywald, has now called for a truly independent inquiry to be carried out by a former judge. The Opposition, too, has called for an independent inquiry. My questions to the chief law officer of the State are:

1. Will the Government agree to a truly independent inquiry into the Premier's honesty to be carried out by a former judge with terms of reference that are agreed by the Parliament, that the inquiry have the power to call witnesses and that the full report arising from the inquiry be made public by tabling it in Parliament and, if not, why not?

2. What terms of reference has the Government proposed for the Solicitor-General's in-house inquiry?

3. Will the Solicitor-General's full report be tabled in Parliament along with all the evidence and documentation to be supplied to him and, if not, why not?

The Hon. K.T. GRIFFIN: The real problem is that the honourable member does not understand the role of the Solicitor-General, nor does she understand the role of the Attorney-General. I suggest she goes and does a bit of research. Although the Attorney-General is a Minister of the Crown, at common law the Attorney-General has independent responsibilities and functions and cannot be given a direction by the Government of the day.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: My predecessor the Hon. Mr Sumner actually made a very detailed statement about this when the honourable member was in the Council. He laid out very carefully what the responsibility of the Attorney-General was. My recollection is that he also indicated what the role of the Solicitor-General might be. The Solicitor-General acts independently but can be given instructions by the Attorney-General to act as one of Her Majesty's counsel. You have to understand that one of Her Majesty's counsel means that he is an officer of the Supreme Court.

He is an officer of the Supreme Court, anyway, as an admitted practitioner but, once he is made one of Her Majesty's counsel, a Queen's Counsel, he is truly an officer of the court. That makes him independent. I have been witness to what has been going on around the corridors yesterday and what has been whispered to the media, the snide remarks being made by a number of members opposite, including Mr Conlon and Mr Foley, trying to belittle what work the Solicitor-General will undertake. You have to remember that the Solicitor-General was Crown Solicitor, appointed by a Labor Administration. We appointed him as Solicitor-General but he was appointed because he was professional.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Let me tell you what you used him for, and he acted quite professionally and with integrity in every respect. You used him to help get you out of the mess created by the State Bank debacle. He came down here to see me and the Leader of the Opposition when we were in Opposition to talk to us about the debacle and about how we could help as an Opposition to ensure that there was not a run on the bank. He came down here. We kept it confidential and we talked to him as a result of the information which he conveyed to us. So, you used him to do things which were in the interests of the State and he acted independently.

He has acted independently in every respect in anything that he has been asked to do by the present Government. I point out that, if the honourable member is starting to cast aspersions on him, some of the newspaper and media reports are changing a bit because some members, when they have been reported, are defaming him. They have tried to edge away from that and say, 'We have no problem with his integrity. It is no reflection upon him; we just want someone independent.' Well, you cannot have it both ways. The honourable member knows that she cannot have it both ways.

If members opposite are saying that they have no quarrel with his integrity, they should let him get on and do the job. He will publish a report which will be made available publicly. On the other hand, if you do not trust his integrity, say so. Do not try to cover it up and play the games that you are playing around the corridors and with the media. The fact

is that he acts independently and will continue to act independently. In respect of the terms of reference, you will get them.

The Hon. CAROLYN PICKLES: I have a supplementary question. Is the Attorney saying that the report and the terms of reference will be tabled in Parliament?

The Hon. K.T. GRIFFIN: Quite obviously. What has the Government got to hide in relation to that? Of course the terms of reference will be made public. Of course the report will be made public. Why else would you have a report? Why else would you have an inquiry in the current atmosphere of innuendo, snide remarks and undercurrents that are around this place and the way in which the Opposition is seeking to undermine the Government for no other purpose than to create maximum mayhem? That is what the Leader of the Opposition wants—maximum mayhem. He is interested only in the polls. He is not interested in good government. He is not interested in integrity. He is not interested in any of that. All he wants is to create maximum mayhem.

That is the way Mr Rann got into the job and what he has sought to establish in those periods since he has become the Leader the second or third time round, whatever it might be. He has acknowledged that maximum mayhem is what he is about. He is not about integrity in government; he is not about good government; and he is not about getting information and acting responsibly. That is the problem we are facing in terms of the Leader of the Opposition. But, quite obviously, why would anyone want to have an inquiry in the current climate and not want to make it public.

Of course the Solicitor-General's report will be made public and, with a bit of luck, it will be published even before the Parliament resumes in February. I cannot guarantee that because I do not know what workload he has in relation to the High Court and other functions. I do know that he has already started to work and he is already calling in documents and papers. I do know also that across the Public Service there will be a directive that the Public Service should cooperate with him and should provide documents and papers so that he can get to all the information which is available and present a report with a calm and balanced perspective.

I have no doubt at all that that is what the Solicitor-General will do. That is what he should do and, if anyone has a quarrel with his integrity, they should say so and not hide behind the innuendo that is going around the corridors of this Parliament and in the media trying to pump everybody up. Let him get on with his job.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about the conflict of interest of the Solicitor-General in relation to his inquiry into the Premier.

Leave granted.

The Hon. P. HOLLOWAY: The Attorney-General would be aware that the Solicitor-General is not independent of Government. The Solicitor-General, Mr Selway, was Crown Solicitor when the Crown Solicitor's office drew up the agreement between Motorola and the Government in June 1994—the agreement the Premier is trying to rely on in his defence. Mr Selway was also the Crown Solicitor at the time that office drew up legal advice to the Cabinet IT subcommittee that the Premier's April 1994 letter to Motorola created a legally binding obligation to sign a deal with Motorola. The Government is asking the Solicitor-General to inquire into himself on advice he has previously given to Government. The Premier is placing the Solicitor-General in an impossible position. The Leader of the Opposition has today written to the Solicitor-General, placing these concerns before him, and I seek leave to table that letter.

Leave granted.

The Hon. P. HOLLOWAY: My question to the Attorney-General is: is he concerned by the conflict of interest facing the Solicitor-General and has he sought any legal opinion in relation to that conflict?

The Hon. K.T. GRIFFIN: Quite obviously, members will endeavour to find anything they can to undermine an inquiry of this sort; now it is conflict of interest. I do not believe he has a conflict of interest.

The Hon. P. Holloway: He provided advice on these matters.

The Hon. K.T. GRIFFIN: That is not a conflict of interest. You will pump anything up into a conflict of interest if you can get something that will give it legs. I am not aware of a conflict of interest and do not believe one exists, and I will be interested to see this letter that the Leader of the Opposition has written, obviously seeking to undermine the inquiry.

UNEMPLOYMENT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer, representing the Premier and Minister for State Development, a question on unemployment in South Australia. The Treasurer may like to make a comment himself.

Leave granted.

The Hon. T.G. ROBERTS: In the past two weeks we have seen the demise of two highly respected companies in South Australia providing much needed employment opportunities in the manufacturing sector. The demise of particularly Clarks Shoes and in some respects Austral Pacific is not due to bad management, bad employee relationships or industrial relations problems on these sites: it is due to extraneous circumstances in which the manufacturing sector finds itself in trying to compete in a very competitive national and international climate. If two companies which have good reputations for manufacturing products that are required in the marketplace and which have had a good history of management locally can go bust and leave employees without employment in the lead-up to Christmas, I guess the question that most people in this State are asking is: who is next, what is next and what can we expect?

We are in what is regarded as a ticking economy, which is still in growth, and we have not yet felt the full impact of the Asian squeeze or Asian crisis or the rush that the Asian manufacturing base will have to lift its level of exports into developed countries. My questions are in relation to what we can expect in South Australia if those levels of imports are accelerated to try to lift the standards of living for those people who are struggling in Asia. My questions are:

1. What steps are being taken to halt the manufacturing slide of existing companies in this State?

2. Has the Government developed a policy for the pressures that will eventually arrive from desperate Asian nations' export drive into the manufacturing sector, not only in this nation but also in this State?

The Hon. R.I. LUCAS: I am happy to refer aspects of those questions to the Minister for State Development and the

Premier, as asked by the honourable member. Certainly, on a number of occasions through the Premier and various Ministers the Government has outlined its response in this area and, more latterly, through the $100 million employment package which was announced earlier this year as part of the budget program announcements. In relation to the other detailed aspects of the honourable member's questions, I will refer them to the appropriate Ministers and bring back a reply.

AUSMUSIC

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for the Arts a question about Ausmusic and contemporary music.

Leave granted.

The Hon. A.J. REDFORD: At the outset, unlike the member for Mitchell (a former staffer for the Leader), let me declare an interest in that I am on the board of Ausmusic in South Australia. Last Saturday I had the honour of being invited to the Adelaide Zoo and the launch of Ausmusic Week, and we were present for the delivery of special achievement awards to a number of significant achievers in the contemporary music industry in South Australia. Indeed, the morning's entertainment was outstanding and the smiles of the children, who were entertained by an enormous range of local talent, was good reward.

Members might recall that, during the debate on the Liquor Licensing Act, I raised a number of issues concerning venues for live entertainment, saying that, in some parts of Adelaide, we were developing a nanny mentality whereby residents were complaining unreasonably about contemporary music, and there was some suggestion that judgments were being made about the nature and the type of music rather than simply on the basis of noise.

I understand since the passing of that legislation that a number of meetings and discussions have occurred, and certainly I have attended in front of the Liquor Licensing Commissioner with various participants from the music industry, and I have been heartened by his response. I also know that discussions have taken place with the Attorney-General and that the Minister for the Arts had a strong input into what has been occurring since the promulgation of that legislation. In the light of that, my questions are:

1. Will the Minister advise what has happened in relation to the issue of contemporary music, the Liquor Licensing Act and the hotel industry?

2. Will the Minister outline the response to Ausmusic Week, and indeed the response to the Ausmusic awards delivered last Saturday?

The Hon. DIANA LAIDLAW: The honourable member did raise, on behalf of the music industry as a whole but also individual musicians, concern about the amendments to the Liquor Licensing Act and the impact that the entertainment and food provisions would have on live music at a time when the Government, through the arts, is more strongly supporting contemporary music than is any other State and encouraging performance opportunities as a deliberate policy. As the honourable member said, he has met with the Liquor Licensing Commissioner. I have also met on a number of occasions with the Australian Hotels Association, plus groups of young musicians, particularly in the Holdfast Bay area. I think this arose from St Leonards Inn closing some time ago, which had been such a focus for music, but also opportunities for bands to perform at Surf Life Saving clubs for young people and blue-light discos.

Throughout that Holdfast Bay area some 18 months ago opportunities for bands to perform and for kids to attend were reducing all over the place because of the concern about noise. I remember reflecting, as the honourable member did, that there was considerable fear that were we heading towards not only a nanny State but essentially an older persons' environment which was irrelevant to young people. I think that has been a real danger here: for South Australia generally we should remain a relevant community for young people, with lots of opportunities for young people to be active in the community, including listening to contemporary music.

One of the real interests that has been developed with a number of musicians from the Holdfast Bay area and with Mr Warwick Cheatle, who advises me on contemporary music matters, is the development of the Holdfast Bay Liquor Licensing Accord. Local government is involved, as are local hotels, the Australian Hotels Association and musicians, to find a way in which we can not only improve the definition of what is agreed to be acceptable music and opportunities for that music to be played but also ensure that our young people can enjoy contemporary music entertainment in the Holdfast Bay area while respecting the rights of local citizens.

The result is that all preliminary discussions suggest that it will be easier for publicans to program a wide range of music, where at present they are reluctant to program any music. That is a big breakthrough, particularly when you look at the Glenelg focus for tourism, young people, the beach, the jetty and so on: it is natural that music should be enjoyed in the area. I am pleased with the progress made and, although it has not been included yet, it should be shortly.

I highlight Ausmusic, as the honourable member has suggested, because it is Ausmusic Week. It started as Ausmusic Day about a year ago and has developed into a week. This year in South Australia for the first time prizes have been awarded in recognition of outstanding achievement, not by musicians but by people who support the music industry. No other State has taken such an initiative and I applaud Ausmusic for so doing. Ausmusic Week will conclude on Saturday with a huge concert at Flinders University. At the same time, South Australian country music will be showcasing its work at Norwood Town Hall and I note that Cold Chisel is back in town at the same time.

The Hon. A.J. Redford: Front page.

The Hon. DIANA LAIDLAW: Yes, not even the *Ring* cycle got front page in the *Advertiser*. This is big news. There is a lot of music in South Australia this week from opera to Cold Chisel, country music and a showcase of contemporary music at Flinders University. I hope the weather holds up and everybody has a good time.

CYCLING COUNCIL

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the establishment of a State Cycling Council.

Leave granted.

The Hon. SANDRA KANCK: The State Government's cycling strategy for South Australia, which was published in 1996, includes a commitment to establish a State Cycling Council. Target 4 of the strategy states 'that the council be comprised of representatives of cycling organisations and relevant Government agencies and have a mandate to ensure

ongoing monitoring and review of the strategy's implementation'. Bicycle SA has repeatedly requested the formation of the council and a meeting in May with the Transport Minister resulted in her committing to forming the council, and she assured the representatives of Bicycle SA that an announcement would be made in June this year. With December knocking on the door, there is still no sign of that announcement or the State Cycling Council. My questions to the Minister are:

1. What happened to the June announcement?

2. Why has there been a three year delay in establishing the State Cycling Council?

3. When can we expect it to be set up?

The Hon. DIANA LAIDLAW: The Liberal Party policy for the State Cycling Council provides for the Minister to be Chair. Since the last election, I have gained additional portfolio responsibilities and have since tried to determine whether I can take on the responsibility of chairing this council as well as doing everything else expected of me in transport, urban planning, arts and women.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: It is very interesting in terms of dealing with the workload of urban planning to see whether it was a backlog of work I had to deal with, including all the planning amendment reports, or whether, when I got on top of that, it was going to level out and the workload would not be so great. When you come into a new portfolio, as you work through, learn and take up the backlog, you do not always anticipate that the demands will be as great in the longer term. I am keen—and it would not have been Liberal Party policy otherwise—to chair this council, but I respect that I should take on that role only if I can give the time to properly do so.

I have come to the conclusion that I cannot give the time to undertake the role of Chair, so I will be recommending to Cabinet in the very near future a new State Cycling Council. A number of people have been approached and have agreed to serve on that council. The position of Chair is to be recommended to Cabinet and, if Cabinet agrees, it will be that individual, not I. So, I would think the Cycling Council should be in place by Christmas.

With all the major international road cycling events coming up in the near future, and the fact that South Australia is not only responsible for revising the national cycling strategy but also will early next year be hosting the Transport Ministers' Conference at which this cycling strategy will be discussed (and I will be chairing that Transport Ministers' Conference), it is important that we have the Cycling Council in place by that time.

Without the Cycling Council, I can assure the honourable member and Bicycle SA that there has been no loss of momentum in terms of cycling initiatives in South Australia. I believe, as the strategy outlines, that there should be such a council. Now I have resolved that I will not be able to chair that council, members will be officially appointed within a very short time.

COMMUNITY GRANTS SCHEME

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Multicultural Affairs, a question about the Community Grants Scheme.

Leave granted.

The Hon. CARMEL ZOLLO: I again refer to the report of the Review of the Office of Multicultural and International Affairs which was recently tabled in this Chamber. Under the section 'Community Grants', the observation is made that previously such grants were considered by the Multicultural and Ethnic Affairs Commission, with recommendations made to the Minister through the office.

The review points out that such a procedure enabled the commission to provide objective independent advice to the Government on the distribution of these funds. Statutory changes made in 1995 resulted in the commission's losing responsibility for the management of office funds, and this also had the impact of removing involvement of the commission in the grants process, except in so far as the commission is advised of proposed grants by the office prior to publication.

It appears that applications are now made direct to the office by community groups without reference to the commission or any other independent view. The review points out that the lack of a grants committee deprives the Minister of a view independent of the bureaucracy. Whilst I personally do not suggest anything but the utmost integrity on the part of public servants involved in such decisions, and certainly I am not aware of any such criticism, the review suggests that such an approach could lead to accusations of bias or unsound rationale in the grants recommendation process. As would be expected, the recommendation of the review is:

> That the community grants recommendation process be strengthened by including advice and input from the South Australian Multicultural and Ethnic Affairs Commission in the establishment of criteria and the assessment of applications.

My question to the Minister is: has this recommendation been implemented and, if not, when will it be?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply as soon as I can.

SOUTHERN EXPRESSWAY

The Hon. J.F. STEFANI: 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. J.F. STEFANI: Members would be aware that stage 1 of the Southern Expressway, which runs from Darlington to Reynella, was completed last year and has now been in use for approximately 12 months. Can the Minister outline the progress that has been made in relation to stage 2 of the Southern Expressway and indicate an anticipated date for the commencement of construction of the second section of this highway?

The Hon. DIANA LAIDLAW: I can advise that public consultation on the designs for stage 2 have recently been completed and are being assessed. Public consultation will be taken into account in the final design of the pedestrian and road bridges, and the course that the Southern Expressway stage 2 will take. We expect tenders for stage 2 (the five pedestrian bridges and the bridge over Honeypot Road) to be called early in the new year and that work will commence, at least on the pedestrian bridges, by the end of February. Stage 2 will cost $25 million in this financial period.

The honourable member may recall that the early works on the first stage of the Southern Expressway from Darling-

ton to Reynella also involved a similar construction timetable, with the Majors Road bridge being built first before the roadway was built underneath, therefore causing little inconvenience to road users and the community at large.

The same approach will be adopted in respect of stage 2. The community in general, the Onkaparinga council and many businesses will be particularly thrilled that stage 2 will be undertaken promptly in the next calendar year after what has been a worthwhile public consultation period. I should add that vegetation along the route is already being planted, thanks to the efforts of many volunteers.

DRUGS IN PRISONS

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, questions about drugs in our prisons.

Leave granted.

The Hon. T. CROTHERS: An article in the *Advertiser* of Tuesday 13 October this year headed 'Prison clash over drug trade' states that a battle over control of the drug trade in Mobilong Prison sparked a violent clash in which a prison officer suffered an injury. The flare-up allegedly followed a month long battle between two groups of inmates for control of the drug trade inside Mobilong Prison.

The brawl forced a lock down and a full search of the gaol for drugs and weapons. A spokesman for Correctional Services said that the search uncovered a can of mace and that searches would continue until the gaol was 'deemed to be clean'. The article states further that the spokesman for Correctional Services said that four prisoners, believed to be the ring leaders in the dispute, were due to be transferred from Mobilong to Yatala and that one of the prisoners involved was known to have been in the drug trade at Yatala. My questions to the Minister are:

1. What new measures are being implemented by Correctional Services to stem the flow of drugs entering South Australian prisons, and how successful have those measures been?

2. Does Correctional Services believe that it is winning the fight to stop drugs entering South Australian prisons? If not, how does it plan to address this problem?

3. What data, if any, is available to indicate the percentage of inmates using drugs in South Australian prisons; and, of these users, what percentage would be considered addicts?

4. What programs, if any, exist in South Australian prisons to assist inmates wishing to reform themselves from their dependency on drugs? If none exist, why not?

5. If such programs do exist, what number/percentage of inmates use them and how successful have they been?

6. If no success has been achieved by the present methods of drug treatment, does this mean that the Government might have to lift its vision and give other treatments a try?

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

DESIGNER DRUGS

In reply to the **Hon. CARMEL ZOLLO (**27 October).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that in the 1997-1998 financial year there have been nine seizures of PMA (paramethoxyamphetamine), 20 seizures of Ecstasy (MDMA) and one seizure of the new drug 5-(2-aminopropyl)indan which was identified in the contents of three multi-vitamin capsules. This does not imply that the capsules were sold as, or would be sold as, vitamins. The packaging could just be a disguise for an 'Ecstasy' preparation. The use of emptied capsule shells from commercial preparations is not new, but is not that common. Methylamphetamine and cannabis oil have also been found in multi-vitamin capsules over the last few years.

Seizures for this financial year to 5 November 1998 have been five PMA seizures, four Ecstasy seizures and three seizures of another preparation, MTA (4-methylthiodamphetamine).

Designer drug seizures for 1996-1997 financial year were six PMA seizures and thirteen Ecstasy seizures.

Designer drug seizures for 1995-1996 financial year were ten PMA seizures and ten Ecstasy seizures.

There were no deaths as a result of the designer drugs PMA and Ecstasy during the 1997-1998 financial year. There has been one death due to PMA in the current financial year to 5 November 1998. There were three deaths due to PMA in the 1996-1997 financial year.

Regarding designer drugs, there is no current outbreak in the area of designer drug overdoses. The number of designer drug overdoses is not above average. The instances referred to involving 'new and rare' designer drugs occurred up to 12 months ago and were recently referred to in a presentation to the Forensic Science Conference by Forensic Scientist Paul Kirkbride.

Initiatives like the anti-PMA campaign would be considered if the prevalence of designer drug use increased to above average levels.

This information relates to South Australia and is sourced from Forensic Science, State Coroners Office and SAPOL.

POLICE, TELEPHONE TAPING

In reply to **Hon. IAN GILFILLAN** (27 October).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been informed by the police that there have not been any written instructions requiring or suggesting that police investigators tape phone conversations other than under circumstances approved through appropriate legislation. The taping of phone conversations has not been a common practice utilised by investigators.

Some officers in the past may have taped conversations as a means of protecting themselves from allegations regarding the contents of the phone conversation which may eventuate at a later date. Conversations were taped not for the purpose of making allegations but for the purpose of protecting the personal credibility of the officer concerned.

On 4 November 1998, the Police Commissioner acted on the advice of the Director of Public Prosecutions and issued a directive in the Police Gazette that instructed investigators that utilise the practice from time to time, to cease doing so forthwith. It is expected that covert taping of phone conversations involving police officers outside of the confines of the legislation will have ceased as a result of the Commissioner's directive.

The directive does not affect the standard operation procedures at Police Communications Centre which permit the taping of '000' and 11444 phone conversations.

GOVERNMENT CONTRACTS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about Government building contracts.

Leave granted.

The Hon. J.S.L. DAWKINS: Last year, the Department of Administrative and Information Services introduced a system of pre-qualification for contractors wishing to contract for Government building and construction projects. I understand that since that time there has been some concern in country areas that the new system might adversely affect regional contractors. Can the Minister ensure the House that the interests of rural builders will not be jeopardised by the system of pre-qualification?

The Hon. R.D. LAWSON: The honourable member is quite right to identify that there has been some concern in country South Australia about the system of pre-qualification of tenders. In November 1997, the department did introduce,

after extensive consultation with the Master Builders Association and other industry organisations such as the Building Industry Specialist Contractors Association, the Building Industry Specialist Contractors Organisation and the Civil Contractors Federation, a system of pre-qualification.

The purpose of this system was to ensure that those builders who do apply for tenders for Government work are appropriately qualified; that they have in place the necessary mechanisms to ensure that the project will be delivered on budget and on time; that they have the necessary staff experience in occupational health, safety and welfare; that they employ an appropriate number of trainees and apprentices; and that the Government can be reasonably sure that the project will be delivered appropriately.

In the past, too much time and effort was spent not only on the side of Government but also in the contracting industry in satisfying these conditions. The pre-qualification system enables contractors to designate which particular classes of work and which levels of work they will bid for, so there are certain bands in the pre-qualification system. For example, some contractors are pre-qualified to tender for jobs over $2 million and some, for example, between $1 million and $2 million. This pre-qualification system is now operational for all projects valued at over $150 000.

The concern in rural and regional areas is that local builders will be disadvantaged by this system because they will not have a sufficient flow of Government work to undertake the necessary steps to obtain pre-qualification. So, when a job arises in their local area for which they are otherwise well qualified to build, they will be precluded from tendering. In fact, there have been a couple of cases where local builders, who could have obtained pre-qualification but had not obtained pre-qualification, were therefore excluded.

The number of Government contracts let in rural and regional South Australia is about 12.5 per cent. Over the past few years, I think from July 1994, the total projects let by the department throughout the whole of the State is some 510; a total of 12.5 per cent or 64 have been let in regional areas. It is true that only about a quarter of those contracts in the regions have been let to regional contractors; most have been secured by metropolitan based contractors. We are anxious to ensure, as a matter of Government policy, that local builders are encouraged to obtain pre-qualification, bid for and construct local projects. That is an important element in economic development strategies for regional South Australia.

In view of the concerns that have occurred, and in consultation with the Master Builders Association and others, I will be issuing within the next few days a discussion paper on mechanisms that might be adopted to expand opportunities for local contractors. A number of options will be put to the industry seeking suggestions for overcoming the fact that there is this feeling that some local builders are being disadvantaged by pre-qualification, and there is also an absence of attempts to pre-qualify. One thing which does appeal to me and which is included in the paper that is going out for discussion is a possible requirement that metropolitan building contractors must demonstrate, as part of the conditions of tendering, that they have made every endeavour to search out and use suitable regional subcontractors.

Whether or not a mechanism of that kind would work I do not know at the moment, but I will be interested in the feedback from the industry on this. I hope to have a full report from the department by the end of January next year so that the pre-qualification system, which has been a success, can be further developed and refined.

ROADS, BAROSSA VALLEY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about funding for Barossa Valley roads.

Leave granted.

The Hon. T.G. CAMERON: Yesterday the Minister for Transport kindly gave me figures showing each State's and Territory's expenditures on arterial roads, including national highways. The expenditures are indicative of the level of funding for arterial roads in each of the States for 1996-97, the latest year for which information is available. In order of spending, New South Wales spent the most, with $268 *per capita*; Queensland, $254; Western Australia, $236; and Victoria, $147. South Australia spent just $187 *per capita*, the second lowest spending on roads of all the mainland Australian States. The average for the nation as a whole is $220 *per capita*. The only State on mainland Australia that spent less than South Australia was Victoria, which is the smallest State by land area, being about one quarter of the size of South Australia, although the figures from Victoria only emphasise the savage cuts on spending that have been introduced by the Kennett Government.

South Australia, on the other hand, is the fourth largest State in the nation. The three biggest States all spend between 20 and 30 per cent more *per capita* on roads than we do, even though their land area is only slightly larger. South Australian agricultural industries are still our biggest exporters, bringing in billions of dollars for the State. For example, our annual wine production is tipped to increase by $1 billion within five years, creating up to an additional 20 000 jobs, something that I am sure every member of this House would welcome. Wine exports have already risen from $192 million to $563 million in the past five years and, as I have indicated, will continue to grow. The wine industry currently is investing heavily in wine making and service industries and gearing up to produce the extra wine.

The industry's biggest worry now is the need for new roads in the Barossa Valley to handle the extra trucks, as an estimated 60 per cent of the State's grapes are processed in the valley. Orlando Wyndham alone has 800 trucks a week going to its Rowland Flat processing centre. The Chief Executive for the District Council of Kapunda and Light (Geof Sheridan) said recently in the *Advertiser* that Barossa Valley roads were already inadequate and dangerous. I have seen the state of the roads for myself, and they are quite disgraceful and obviously in need of urgent upgrades.

I note with interest a letter dated 8 August 1998 sent by the Hon. Mark Brindal (Minister for Local Government) to all members of Parliament, in which figures showing the distribution of Commonwealth financial assistance grants to councils for road funding were listed. Under the 1998-99 funding arrangements, the Council of Clare and Gilbert Valley has had a road funding cut of 1.23 per cent, and the Council of Barossa Valley has had its funding cut by .02 per cent. Not only are such decisions dangerous, as the roads continue to deteriorate, but such decisions are economically short sighted. My question to the Minister is:

Considering the importance of the wine industry to the South Australian economy as well as to the balance of payments for exports, and considering the dangerous road

conditions that currently exist, will the Minister as a matter of urgency contact the Council of Clare and Gilbert Valley and the Council of Barossa Valley to hear their concerns about cutbacks in road funding, with a view to reassessing the situation before the roads deteriorate to a point where road safety is compromised?

The Hon. DIANA LAIDLAW: I respect the honourable member's interest in this matter, and I can reassure him that we are well in advance in terms of this issue. The councils in the Barossa area have participated with Transport SA in the development of a Barossa transport strategy. That strategy advocated some further work to be undertaken on the Gomersal Road this side of Tanunda and the township of Sheoak Log. The reason for that extra work is that, although it is deemed to be a local road, the councils and others sought State funds for its upgrade. As the honourable member would appreciate, it has not been the practice of State Governments to invest in the sealing of local government roads, although this Government made an exception to that in terms of Kangaroo Island and the South Coast Road. As the honourable member would know, there is enough demand in just trying to keep up with all that is required on the roads that are the State's responsibility.

The Government has considered very seriously the state of our rural roads, and it has acted responsibly in terms of those roads as a result of its 10 year strategy to seal all rural arterial roads in incorporated areas. The sealing of the Burra-Morgan Road has been an enormous boost not only for industry and transport generally but also for tourism, in terms of the east-west access. That has taken the pressure off townships such as Burra and Clare, because trucks tend not to go through them now, which has relieved some of the roads in that area.

Getting back to the Barossa strategy, I highlight that the main Barossa way definitely needs more work undertaken to get rid of some of the undulations in the road and to widen the shoulders on the road. The very dangerous turn-off into St Halletts Winery—and there are some others to the right as you come from the city—is now less dangerous following some road work to realign the intersection. However, it is on a crest, and the crest must be levelled out. So, a lot of work is identified in this Barossa road strategy. Planning applications are before Planning SA and development applications before the councils for further expansion of the wine industry in the Barossa. In assessing those applications, we are all aware that there are implications for the road system. They will need to be addressed, and I give the honourable member an undertaking—as I have given the council an undertaking—that those road issues will be addressed and funding will just have to be found.

In the meantime, the rail coordinator position (and I have outlined this briefly in this place in the past) will be filled for the first time by Transport SA, and I am very keen to see that, through the Barossa Valley and other places, we do as much as we can to work with industry to get freight onto rail, since there may be arrangements to the State's advantage in encouraging freight onto rail off the roads, not only in terms of road safety through important tourism areas such as the Barossa but also because of the wear and tear on our roads through the demands of heavy industry. So, there might be some trade-offs that this rail coordinator and the Government can pursue with industry in the area.

With respect to bottling, for instance, the bottles do not all have to be there at the last minute: they can be stored for some considerable time. I would have thought that rail was ideal for some of that sort of business—whereas today all the bottles, for instance, from ACI are taken up by road. It is a practice which I believe could certainly be discouraged, by encouraging that sort of business or other freight onto rail. So, I am well aware—as is the Government as a whole—of the need to do much more in terms of a whole freight strategy, including the upgrading of roads and attracting more business in the Barossa area to rail.

POLICE, COMPLAINTS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about police complaints.

Leave granted.

The Hon. IAN GILFILLAN: Last month I received a visit from two constituents, Paul Andre Forsythe and his wife Lisa Forsythe of Pooraka, who were very distressed and angry about the fact that their home had been raided by police on Friday 4 September. The Forsythes gave me an account of what happened. According to their version of events, their home was surrounded by two dozen heavily armed police; the street behind the house was blocked off; a helicopter patrolled overhead; neighbouring properties were commandeered by marksmen; and firearms were pointed at all members of the household, including the 3½ year old toddler, Sarah. All were ordered outside the house.

Mr Forsythe was required, at gunpoint, to lie face down on the ground, submit to a body search and then strip, which he did. The house was then searched, and only after it was searched was he asked to sign a notebook saying that he had consented to the search under 'no duress'.

When the Forsythes requested permission to pick up their five year old daughter, Jane, from Pooraka Primary School, armed detectives accompanied an unwell and unshod Mrs Forsythe and Sarah on an embarrassing chaperoned visit to the school. After two hours of searching, no weapon was found in the house, merely 25 grams of cannabis, for which an expiation notice was issued.

The police operation has had several harmful effects on the family. Mrs Forsythe developed a serious nervous tic, diagnosed by the family doctor as acute post-traumatic stress disorder. The younger child, Sarah, began waking frequently in the night, screaming about police and guns. The older child, Jane, was also distressed.

The family was put to considerable expense in seeking counselling, as well as psychological and medical help, which they can ill-afford, and the incident has ruined the family's reputation in their neighbourhood and at school.

On the Forsythes' behalf, I wrote a letter to the Minister for Police on 14 September, outlining this version of events, and sent a copy of that letter to the Commissioner of Police. I have received two very different replies. The Commissioner's office has forwarded the complaint to the Police Internal Investigations Branch. In turn, I received a letter from the Police Complaints Authority, Mr Tony Wainright, on 29 September. He has assured me that preliminary investigations are under way and that I will be notified of an outcome in due course.

In total contrast is a letter I received three days later on 2 October from then Minister for Police (Hon. I. Evans). Mr Evans' very brief letter stated:

> I am advised that police attendance at the Forsythe house was in accordance with standard police operating procedures.

I have no wish to prejudge the investigation by the Police Complaints Authority, but I do wish to ask the following questions, through the Attorney, to the Minister—or the Attorney himself may answer this:

1. Is it standard practice for the Minister for Police, when he receives a complaint about police behaviour, to handle it internally within the Police Minister's office without referring it to the PCA or the IIB? If so, why?

2. If I had not directed a copy of my letter to the Police Commissioner, would the Minister's brush-off letter have been the end of the matter?

3. Is it customary for the Minister for Police to prejudge the outcome of an investigation by the Internal Investigation Branch or the Police Complaints Authority?

The Hon. K.T. GRIFFIN: I will need to look at the correspondence before responding. That will be done, and I will bring back replies.

MOTOR VEHICLES, REGISTRATION PLATES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about registration plates.

Leave granted.

The Hon. R.R. ROBERTS: I understand that the Minister for Transport may have some correspondence from my colleague in another place Mr Ralph Clarke in respect of an incident that occurred on 8 November where a mutual constituent of ours awoke to find that his car had been stripped of its numberplates. Being a law-abiding citizen, that constituent approached the police, reported the crime and, indeed, was told that before he could use his motor vehicle he would need replacement plates. He made the necessary application and, on paying a fee of $40, was issued with new plates. A day or two later the police found a vehicle bearing my constituent's plates and returned those plates to him. However, when my constituent made further inquiries he was told that he could not get a refund.

Clearly, my constituent is a victim of the crime. There is one other complicating factor in that a spokeswoman for the Transport Department has advised my colleague that, indeed, the constituent should have paid only $20, because this is what applies when someone loses their numberplates or wants to replace them for some reason. It appears that there may well have been a mistake in the costing. However, it does raise an interesting issue, whereby, if numberplates are stolen, a person will be hit with a charge of at least $20, even though the numberplates may be returned. My questions to the Minister for Transport—and perhaps even the Minister for Consumer Affairs and Attorney-General—are:

1. What administration alterations can be made to provide relief for victims such as the one I have described?

2. Is there any legal redress for a constituent who finds himself, as a victim of crime and through no fault of his own, having to pay out $40?

The Hon. DIANA LAIDLAW: I remember this case because I think it was reported in the local media—before I received Mr Clarke's letter, which had been sent to me, according to the article, before I received it. I will certainly refer the legal redress issues to the Attorney. In terms of the plate, I can advise that the cost of the standard 'Festival' plate or the slimline plate is $20. There is a higher cost for various premium plates and others that may have been printed for different purposes or to the preference of the applicant. As to the standard plate that your constituent was concerned about, $20 should have been the fee charged. That fee applies whether it is one or two plates, because they are always sold as one set of plates. I will follow up the other matters.

CRIMINAL LAW CONSOLIDATION (CONTAMINATION OF GOODS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 284.)

The Hon. T.G. CAMERON: I support the Bill. It is not my intention to go through the detailed reasoning behind the Bill, which has already been outlined adequately by the Attorney-General and the Hon. Carmel Zollo. Briefly, of concern, not only to members of this place but to society in general, has been the increasing trend over recent years by people who are either acting maliciously or who are trying to blackmail Governments, suppliers of supermarket chains or airlines into the payment of money with threats to either contaminate goods or, if the goods are contaminated, threatening blackmail in order to notify where those goods are. This legislation is long overdue and I am sure that it will be welcomed by society. If it has any impact at all at arresting this disturbing trend in our society, the legislation will be well worth while. I commend the Bill to the Council.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their contributions to the debate. I am particularly grateful for the support of all members on the Bill. As honourable members have pointed out, this Bill has been formulated in response to a sequence of various events; fortunately few in nature in which there have been threats or actual contamination of goods to the prejudice of the public welfare and to the major economic detriment to the victims concerned. I need say no more about that because honourable members will be aware of the sort of criminal behaviour to which I refer.

I wish to address the two points made by the Hon. Ian Gilfillan in his contribution to the debate. First, the honourable member asked why it was that the Government decided to address two deficiencies in our current laws by this Bill, rather than the other way around. The answer is that the two deficiencies are being addressed concurrently but are part of a larger package. Honourable members should understand that this State has perhaps the most antiquated laws on what might generally be called offences of dishonesty in Australia. By this I mean the criminal law that covers larceny, fraud, robbery, burglary, forgery and so on. Reform of this area of the law is a very complicated task indeed.

It is being done now but it is subject to a very long drafting process and will have to be the subject of careful and scrupulous public consultation. Of all of the areas of substantive law this is perhaps the most technical which is why, I suppose, the task has not been performed before now. The Bill, when it is presented to Parliament, will be large and complex enough. If change is necessary to integrate the provisions of this Bill it will be done but I thought it important to tackle the decontamination issue straightaway and directly by a smaller and more simple measure.

Secondly, the honourable member referred to the possibility that the net of the legislation may be cast too widely and instanced the case of children putting rocks on railway lines as a school prank. I must say that I find it hard to regard prejudicing public health or safety by risking the derailing of a train as a school prank. Until 1986 the Criminal Law Consolidation Act contained a section 110, which provided:

> Any person who unlawfully and maliciously—
> (a) puts, places, casts or throws upon or across any railway any wood, stone or other matter or thing with intent to obstruct, upset, overthrow, injure or destroy any engine, tender, carriage or truck using any railway shall be guilty of a felony and liable to be imprisoned for life.

This offence was replaced by the sequence of reckless endangerment offences now contained in sections 29 and 85(a) of the Act and which carry a varying range of penalties up to 15 years depending on the risk involved. I agree with the honourable member that there is some overlap between the provisions. I am not of the opinion, however, at least at this stage, that the overlap is a practical deficiency in what is proposed. Again, I thank honourable members for their indications of support.

Bill read a second time.

In Committee.

Clause 1.

The Hon. IAN GILFILLAN: Certainly, I accept the emphasis that the Attorney put on the offence of deliberately derailing a train. In fact, my observations about the net being cast too wide were not specifically confined to that action so much as to the scope of other activities which are not so specifically designed to cause what could be a major public disaster but which could still be caught by the legislation. I am not sure whether the Attorney addressed it in that broader concept or just specifically to this one phenomenon: the derailing of a train.

The Hon. K.T. GRIFFIN: The Bill provides:

> A person is guilty of an offence if the person commits an act to which this section applies intending—
> (a) to cause prejudice, to create a risk of prejudice, or to create an apprehension of a risk of prejudice, to the health or safety of the public. . .

That is the first part, and that is defined in new section 259 which provides:

> 'act prejudicing public health or safety' includes—
> (a) interference with the provision of water, electricity, gas, sewerage, drainage or waste disposal in a way that prejudices, or could prejudice, the health or safety of the public;
> (b) interference with the transport or communication system in a way that prejudices, or could prejudice, the health or safety of the public;

So, it is not just mere inconvenience but to 'prejudice the health or safety'. New paragraph (c) provides:

> interference with any other facility, system or service on which the health or safety of the public is dependent in a way that prejudices, or could prejudice, the health or safety of the public;

The second limb of new section 260(1) is that, in undertaking this activity, by doing so the person who is undertaking it is seeking to gain a benefit for himself, herself or another, or to cause loss or harm to another, or to cause public alarm or safety. So, a number of ingredients of the offence must be established. I think that, if one reads it together, it will not have that broad scope which will collect within the net those activities which might be playful pranks, because it will not be possible to establish the necessary criminal intention. But, of course, intent is inferred from circumstances as much as from the direct confession of an accused person. So, I would have thought that, whilst it may be broad, nevertheless it follows a coherent pattern which will ultimately focus upon criminality rather than just upon innocent, perhaps negligent, behaviour.

The Hon. IAN GILFILLAN: I think that is a substantially adequate answer to my concern. I think the opening is still there—and maybe I am being unnecessarily pedantic about it—that a relatively innocent act such as blocking a drain or a sewer could be done to cause public anxiety, as I see it. If you are accused of having committed an act such as that, it could be very hard to mount a defence to establish in a court that it was not done to cause public anxiety. I am prepared to let the matter rest; it is not a matter that I want to pursue. At least what the Attorney has put into *Hansard* can be referred to for the intent of the legislation.

I do not want in any way to diminish the Democrats' support for the major target, which is well worth while, namely, the introduction of this legislation. If the penalties are pitched to deal with that substantial threat (and the maximum penalty is 15 years imprisonment), it is important that they are not used as a sledgehammer to crush a rather unfortunate and relatively innocent nut.

Clause passed.

Clause 2 and title passed.

Bill read a third time and passed.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

SUMMARY OFFENCES (OFFENSIVE AND OTHER WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 343.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions to the debate. I am particularly grateful for the support of the Opposition and the other members who have supported this Bill. In my view, it is important to clear up a great deal of public misunderstanding about what this Bill does not do. The debate in the media in particular, but also correspondence to my office, seems to be based largely on the assumption that the purpose of the Bill and the intention of the Government is to ban only knives. That is simply not so. I cannot stress too highly that the purpose of the Bill and the intention of the Government is to deal with particular types of weapons, some of which are a form of knife which are not in common use and, in many cases, have few or no legitimate social uses.

Most of these are already listed in the current dangerous articles regulations. They include: a hunting sling, a catapult, a pistol, a crossbow, a blowgun, certain knife belts, a flick knife, a ballistic knife, a knuckle knife, a dagger, a sword-stick, a knuckleduster, self-protecting spray, certain self-protection devices and an anti-theft case. There are some knives in that list, but they have been declared dangerous articles for many years and none are of the kind of knife that you or I, or any reasonable member of the public, currently use in our gardens or kitchens. You have to have some good or special reason for having one of these, and that has been so for quite some time.

It is not proposed to prohibit knives. What is proposed is to do two fundamental things, as well as some ancillary things. The first fundamental thing is to split what are now

dangerous articles into two groups. Some will remain dangerous articles and the current regime will continue to apply. That means that they can, as now, be possessed, manufactured, used and sold with a lawful excuse for doing so. Some of them will become prohibited weapons to which a stricter regime will apply. The first fundamental change is to create a new class of more strictly regulated articles called 'prohibited weapons'. This proposed change is in the Bill before the Council.

The second fundamental change is to add some things to both lists. These are articles and weapons that have not only been the subject of submissions by police for prohibition but have also been recommended for prohibition by the Australian Police Ministers' Council. The ones that we do not have listed at the moment are nunchukas, shruiken or star throwing knives, articles or devices which disguise the concealment of a knife or blade and butterfly knives. These may become dangerous articles or prohibited weapons. Again, this is not the sort of thing that a normal or reasonable householder has or should have in his or her kitchen, camp site or fishing tackle box.

In addition, police requested some degree of control over bowie knives. It is this last item that has caused some well founded and rational concern. I will return to that in a moment. The classification of these things will be by regulation. This proposed change is therefore not yet before the House. These details will have to be in the regulations, which will come before the House when they have been prepared. They are still under consideration and reasoned submissions from any person or group will be taken into account.

I again make the point that the purpose of the Bill and the intention of the Government is not to ban all knives. The unlawful carriage of knives generally is dealt with by the offensive weapons provision of the Summary Offences Act, and that section remains substantively unchanged by this Bill, except for a tightening in the meaning of carrying a knife or any other offensive weapon. This is entirely consistent with the position I have maintained both publicly and in this House for the better part of two years that the law on knives which are the legitimate tools of trade and useful objects in the lives of ordinary and reasonable members of the community is adequate to deal with those who would threaten public peace and personal safety. It is, incidentally, a curious fact that those who were the loudest in their call for the banning of knives have been peculiarly silent in the face of the widespread public misconception about the effect of this Bill and the intentions of the Government.

The reference to bowie knives in the media coverage of the proposals has occasioned some public alarm, principally on two fronts. The first is that of definition. The perception seems to be that a bowie knife is any large knife and that, therefore, the ordinary tools of trade of many people will suddenly become prohibited. That is not so and will not be so. It is true that there are differing definitions of what is a bowie knife. Whether this can be properly resolved and, if so, how, will be the subject of further consideration when the regulations are drafted.

The second concern relates to collectors. This was raised by the Hon. Mr Redford in his contribution. It is true not only of collectors of bowie knives but also of collectors of other things which may or may not end up on the prohibited weapons list in the regulations. The Bill before the House contains a number of statutory exemptions. Collectors who are not museums or art galleries are not amongst them. However, that does not mean that the list in the Bill will be the only exemptions possible. The Bill also provides that exemptions may be made by regulations about a class of people or objects. It also provides for the grant of specific ministerial exemption.

The reason for this layering approach to exemption, I would have thought, would be obvious. It is impossible to foresee in advance all circumstances in which a person might have a legitimate reason for possessing a prohibited weapon. It is impossible to draft general exemptions that would exempt all people who may have a legitimate reason without making the prohibition meaningless and creating loopholes for those who have no legitimate reason. Therefore, the clear cut cases are set out in the Bill. It would simply frustrate the purpose of the Bill to add collectors to that statutory list. Anyone could claim to be a collector. If there is to be a general statutory exemption for collectors, there must also be a way of sorting out the genuine bona fide collector from one who would simply want to evade the prohibition and frustrate the law. The way of doing this is not readily apparent. It may have to be done by ministerial exemption. Therefore, the issue of collectors has been left to the regulation stage.

The Hon. Mr Redford also asked what will be the general policy to distinguish between dangerous articles and prohibited weapons. The general rationale is protection of people from serious injury or death by reducing the number of certain types of weapons in the community. The police have made submissions to me about this. The sort of general criteria it is proposed to use are: whether or not the thing is primarily made for use as a tool or weapon, for example, knuckle knives and daggers; whether or not the thing is easily concealed on a person or in the sort of things people often carry with them such as sports bags and handbags; whether the thing looks like some other harmless object but in fact conceals a blade or stiletto capable of inflicting serious injury or death; and the status of the thing under the Customs (Prohibited Imports) Regulations of the Commonwealth and under the legislation of other Australian jurisdictions. However, the fact that something is prohibited in another State will not necessarily mean that it will be declared a prohibited weapon in South Australia.

An example of an article which is currently declared to be a dangerous article and which is likely to retain that status is a blowgun because, although it is a weapon, it is also a very useful device for people such as veterinarians, zoo keepers and wildlife officers. Comments and information will be actively sought from persons who have expressed an interest in how things will be classified before the drafting of the regulations is completed.

In relation to the contribution to the debate made by the Hon. Mr Gilfillan, I make the following comments. I would like to correct any misapprehension that may flow from the honourable member's summary of the penalties. He has made a slip in regard to the penalty for carrying an offensive weapon without lawful excuse. The penalty is currently $2 000 or six months imprisonment. The Bill provides for an increase in the monetary penalty to $2 500.

It is correct that the Bill provides for two new offences. The deficiency in the Summary Offences Act is that it does not prohibit any weapons. It would be possible to maintain only two categories by keeping the offence of carrying an offensive weapon without lawful excuse and prohibiting certain weapons. This idea was considered and rejected because it would result in greater restrictions on the liberty

of the citizen and would interfere unduly with the peaceful and legitimate activities of many.

The trade-off for simplicity in the statute would be harshness in its application to many law-abiding citizens. Further, a system of exemptions will work better in practice than a defence of lawful excuse for prohibited weapons and will underline their status as prohibited.

The idea of three categories is not new. Victoria, New South Wales and the Australian Capital Territory all have three categories, and I have heard that Western Australia is likely to follow suit. In all these jurisdictions, the defence of lawful excuse does not apply to the equivalent of the prohibited weapons category that this Bill would establish. Instead, the system of exemptions or permits applies. This system has been in force in Victoria and New South Wales for some years, and is supported by the police in South Australia.

The debate about the relative merits of divisional penalties as against providing for specific sums of money has been a long one. The consistency of divisional penalties was a noble aspiration, but experience over many years has shown that it does not work well in practice. It has also been criticised as being confusing to the ordinary citizen, who does not know what the divisional penalties mean in real terms. It is now the policy of this Government to remove divisional penalties and substitute penalties stated in specific sums of money and periods of imprisonment when the occasion for amending an Act arises.

The opportunity is also being taken in this Bill to increase the amount of monetary penalties consistently throughout the Summary Offences Act to reflect changes in money values and consistently with Government policy on the extent of the change that is needed for this purpose. The honourable member is, of course, free to take the position that divisional penalties should remain, but the fact is that they are being removed systematically from statutes as they come before the Parliament, and this process has been going on for at least the past four years. Again, I thank members for their indications of support for this important piece of legislation.

Bill read a second time.

In Committee.

Clause 1.

The Hon. A.J. REDFORD: In relation to the Attorney's response, I am concerned about the position of genuine collectors. I appreciate the difficulty in drafting an appropriate amendment by way of regulation. What is the Attorney proposing to do in relation to the regulation-making power to enable genuine collectors to continue what up until now would have been a lawful activity?

The Hon. K.T. GRIFFIN: As I expressed in my reply, we are sensitive to that issue. There have been a number of calls to my office and there has been some correspondence about this issue. I am sympathetic to the position of genuine collectors. It is a question of how we draft any exemption or whether the issue is dealt with by specific exemption.

I cannot take the matter any further except to give an undertaking that the issue will be properly and fairly addressed. If when we get to the regulations, which obviously will be out in the public arena, there is continuing difficulty, the matter will be further addressed. I regret that I am not able to take this further at this stage, but I indicate that it will be the subject of proper consideration.

The Hon. IAN GILFILLAN: I would like to raise a couple of points for response by the Attorney. These matters may have been more appropriately addressed during the second reading debate, but I am usually given a bit of tolerance in this respect. As the regulations have been raised, I would like to put on record that I have considerable concern about wide open regulatory powers. Whilst I clearly support the intention of the Bill, it provides:

> . . . the regulations may—
>
> (a) declare any specified article or things, or article or things of a specified class, to be dangerous articles or prohibited weapons for the purposes of section 15.
>
> (b) declare a person or a class of persons to be an exempt person or class for the purposes of section 15(1e) in the circumstances specified in the regulation.

So, the regulations are virtually open-ended. Apart from the information in the second reading explanation and some material distributed from the Attorney's department, as I see it there is not enough definition in the Bill to put at rest any fears that could be held that the regulations will stretch from reasonable to excessive. There is no guarantee. Perhaps that applies to all regulations.

The other matter that I raise is a letter I received from Mr Peter J. Bald, President of the Australian Knifemakers Guild. He informs me that he has communicated with the Attorney, and I believe that to be true.

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: The Attorney confirms that he did get a letter and has sent a response. I read this letter with interest, and I believe that Mr Bald puts forward a valid point of view. I would like to read into *Hansard* three points raised in the letter because in many ways they typify the concern that he and his profession have about this legislation. Those points are:

> What criteria has been used to judge one knife to be more dangerous than another and how can a knife be categorised according to its degree of lethal potential? Who is qualified to judge one knife to be more dangerous than another and possess the capability to grade and categorise knives in terms of lethal potential? What research data was considered to support classification and prohibition of knives as listed upon historic information that identifies one knife to be deemed more dangerous (or lethal) than another?

I put those questions to the Attorney. In a way, they reflect what may well be the challenge for those who draft the regulations. For this legislation to be effective, I think the questions raised by Mr Bald will need to be addressed.

The Hon. K.T. GRIFFIN: I have received a letter in similar terms, to which I have replied, but I do not have a copy of the reply with me. I indicated in that letter, as I have indicated to many others, that when we consider the regulations those who have particular concerns can draw them to our attention and we will make a judgment which ultimately may be reflected in the regulations if there is to be an exemption or, if not, a judgment will be made that they should not be exempted.

There is also the power to exempt specifically by ministerial exemption, and that is important flexibility which is required because you cannot hope in this area to cover every conceivable weapon or knife that might be created by the ingenuity of people. That has been the real dilemma about this. In New South Wales, for example, they ban the sale of knives to anyone under 16. They found that they then had to grant an exemption to plastic knives which are supplied with take-away food.

That is the level you have to get down to if you become too proscriptive. It is also indicative of the problems that we all face in dealing with issues of controlling knives. In New South Wales, the possession of knives is banned but then they have a huge range of exemptions, and it is basically unwork-

able in my view. It certainly has not created any relief in terms of offences that might occur with knives in that State.

In terms of the regulations, I know they are wide open, and I, too, have concerns about wide open regulation making powers, but the concern that we have in Government is that if you do not have the wide powers for making regulations, after we have had submissions from everyone who has an issue to raise about this, then you have the potential to create injustice. In those circumstances, we have taken the view that, because they will be the subject of scrutiny, this is the better way of dealing with it, rather than trying to work it through now in the Bill.

The honourable member must recognise, also, that already the dangerous article regulations under the Summary Offences Act define certain dangerous articles. It is an extension of that which I would envisage being covered by the regulation making power.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill read a third time and passed.

ENVIRONMENT REPORT

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of the Minister for Transport and Urban Planning, I seek leave to table a ministerial statement on the environment made yesterday by the Minister for Environment and Heritage in another place.

Leave granted.

ADJOURNMENT

At 12.45 p.m. the Council adjourned until Tuesday 8 December at 2.15 p.m.