LEGISLATIVE COUNCIL

Tuesday 27 October 1992

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* No 9.

STATE GOVERNMENT INSURANCE COMMISSION

9. **The Hon. DIANA LAIDLAW** asked the Attorney-General: The SGIC Annual Report, 1991-92 (page 27), notes that the Government has been requested to consider legislation which will—

- ensure that accidents are reported by injured persons intending to make claims, within specific time limits;
- provide for sums paid to injured persons being recoverable from drivers responsible for deliberate collisions;
- require the application of seat belts and alcohol provisions for minors aged 16 years or over;
- create greater uniformity in limiting awards to minors aged 16 years or over where seat belts are not worn, or where minors willingly travel with intoxicated drivers;
- clarify provisions for wearing of seat belts—

1. Has the Government agreed to introduce all or some of these measures and, if so, when?

2. If not, why not?

The Hon. C.J. SUMNER: The Government intends to introduce amendments to the Motor Vehicles Act and the Wrongs Act within the next few weeks, which will enact most of the reforms requested by SGIC in its 1991-92 annual report. The amendments will not include any provisions ensuring that accidents are reported by injured persons intending to make claims within specific time limits or clarifying provisions for wearing of seat belts. Neither of these amendments proved feasible and, after discussions with SGIC, it has been decided not to go ahead with the amendments.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

Annual Reports, 1991-92—

Office of Energy Planning.
Legal Services Commission.
Commissioner of Police.

Adelaide Entertainment Centre-Report and Financial Statements, 1991-92.

By the Minister of Transport Development (Hon. Barbara Wiese)—

Annual Reports, 1991-92—

Department of Agriculture
Department for Family and Community Services.
Soil Conservation Council.
State Transport Authority.
Veterinary Surgeons Board.

By the Minister for the Arts and Cultural Heritage (Hon. Anne Levy)—

Annual Reports, 1991-92—

Bookmakers Licensing Board.
Electricity Trust of South Australia.
Engineering and Water Supply Department.
SA Greyhound Racing Board.
SA Harness Racing Board.
Northern Cultural Trust.
Racecourses Development Board.
South Australian Urban Land Trust.

By the Minister of Consumer Affairs (Hon. Anne Levy)—

Commercial Tribunal Act 1982—Regulations.
Second-hand Motor Vehicles Act 1983—Regulations.

CASINO

The Hon. C.J. SUMNER: (Attorney-General): I seek leave to table a ministerial statement on the Casino which is to be given in another place by the Deputy Premier.

Leave granted.

PUBLIC SECTOR CONDUCT

The Hon. C.J. SUMNER: (Attorney-General): I seek leave to make a ministerial statement on the guidelines for ethical conduct and code of conduct.

Leave granted.

The Hon. C.J. SUMNER: The Government took a further important step in the implementation of its Anti-Corruption Policy yesterday, with the release of two documents, *Guidelines for Ethical Conduct for Public Employees in South Australia and Code of Conduct for Public Employees.*

Provisions regulating the conduct of public employees are contained in a number of legislative and administrative instruments. These include the Government Management and Employment Act (the GME Act), regulations made under the GME Act, various circulars, Cabinet and administrative instructions together with a number of specific criminal offences and certain common law duties and responsibilities.

Up until now there has been no readily accessible publication to which a public employee can refer to ascertain his or her primary responsibilities. The guidelines bring together in one document the diverse and scattered principles which form the ethical base from which the Public Service is expected to operate. The guidelines contain a basic 'corporate' morality for the Public Service and give guidance to the employees as to the standards expected and required of them. They also highlight important considerations which should be borne in mind when public employees make decisions and while they are going about the business of public administration generally. In addition, they contain a summary of criminal offences which are relevant to those employed in the Public Service.

The guidelines are being issued as instructions pursuant to section 30 of the GME Act by the Commissioner for

Public Employment, as Commissioner's Circular No. 64. As such they are binding on all Public Service employees.

The principles contained in the guidelines are to be adopted with such changes as are appropriate by all statutory instrumentalities which are subject to ministerial direction.

The Code of Conduct is a brochure prepared by the Government Management Board, and contains an outline of the types of conduct which may be unacceptable to the employing authority. It is written in plain English, so as to be easily understood by all employees. It underscores the importance of the principles of public administration which apply to all areas of the public sector. The code is to be distributed to all employees in the Public Service and, with any necessary modifications, to all employees in statutory instrumentalities which are subject to ministerial direction.

The adoption of these two documents will, on the one hand, enable employees in the public sector to ascertain their rights and responsibilities in relation to ethical dilemmas, and, on the other hand, will facilitate enforcement of the high ethical standards which are appropriate in public administration. I seek leave to table copies of the *Guidelines for Ethical Conduct for Public Employees in South Australia* and the *Code of Conduct for Public Employees.*

Leave granted.

QUESTIONS

STATE BANK

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the State Bank royal commission.

Leave granted.

The Hon. K.T. GRIFFIN: The *Advertiser* this morning carried a report that the first report of the royal commission would be presented to the Government on Friday 13 November and would not be released publicly until it had been tabled in Parliament some time in the following week. My questions to the Attorney-General are:

1. In view of the fact that the first term of reference does not deal with questions of criminality but rather with communications, can the Attorney-General indicate why the report will not be released publicly on the day it is delivered to the Government?

2. After the public release of the first report, will the Government guarantee debate on the noting of the report in both Houses during Government time?

3. Will the Attorney-General also guarantee that all members will have a reasonable opportunity to consider the report before its noting is debated in the Parliament?

The Hon. C.J. SUMNER: My answer to the second two questions is 'Yes'. Obviously the Government would want members to have time to examine the report and then to debate the matter in the House. If this program, which I outlined to the media yesterday and which was included in the *Advertiser* report, is followed, under the current sitting program, there will be two weeks to deal with this, assuming that it is tabled on the Tuesday of that week, which is what I anticipate. That will then give that day—although members (even the speed readers) may not be able absorb it in that time—and, in any event, Wednesday and Thursday of that week and then the following week, during which I am sure arrangements can be made in this House and in another place to debate the report, either in Government time or, if time permits on Wednesday, in private members' time as well, depending on what arrangements can be entered into in the respective Houses.

However, the general proposition that the honourable member puts, namely, that there should be adequate time for members to read it, I agree with, and I agree that there should be adequate time for members in this House to debate it.

As to the first point, the Government's view was that, having now received an indication from the Royal Commissioner, Mr Jacobs, that he would deliver the report on 13 November 1992, which also happens to be a Friday, the Government felt that it was appropriate to table the report in Parliament at the earliest opportunity following the receipt of the report, that is, the following Tuesday. This would enable the Government to consider the report and a tabling statement and, as Parliament is sitting at that time, it is reasonable that it be tabled in the Parliament.

Further—and this is the point to which the honourable member is referring—I have been advised that the procedure of tabling in Parliament was that adopted by Premier Carmen Lawrence with the recent Western Australian royal commission report. I also understand that that Premier had announced that she had acted on legal advice in tabling the report before it was released. Tabling the report would enable the media, the Government and others publishing, reporting and commenting on the findings to be afforded the protection of parliamentary privilege, and I think that is an important consideration, although I should say that the chances of defamation actions being taken are not great.

I do not know what is in the report. I do not know who is criticised in the report—if anyone is criticised in it. The view of the Crown Solicitor was that the prudent course would be to table it to ensure that absolute privilege was available to the Government in the manner in which it was published, namely, through the Parliament, and that privilege would be available to those who subsequently referred to extracts from the report.

Obviously, the Royal Commissioner has protection from defamation proceedings in respect of any matter within his functions. That is clear, but it does not necessarily flow on to the Government. It was on that basis that the Crown Solicitor was of the view that it would be better to table it in Parliament, and then it attracted absolute privilege although, as I say, the likelihood of the Government or anyone else being sued for defamation for having republished aspects of the report is low, even if it is not tabled in the Parliament. However, the Government feels that, to ensure that no problems of that sort will arise, it is better that it be tabled.

It is probable that the publication by the Government of the report would attract qualified privilege in that the Government was under a duty to publish a matter of such public interest and importance. On this basis, the

Government would be liable only if malice could be shown, but malice includes recklessness, for these purposes. Legal action may also be available to prevent further publication of the report. Malice would probably not need to be shown in those circumstances; breach of the rules of natural justice would probably be sufficient.

So, the Crown Solicitor and I consider that successful action for defamation against the Government would be considered remote, because the publication of the document by the Government would attract qualified privilege. Nevertheless, there does remain the possibility of legal action arising out of the publication of the report in the manner that I have described and, because of that, it was the Government's view and the view of the Crown Solicitor that the appropriate course was to table the report in Parliament, and that both Houses should order it to be printed.

Under section 12 of the Wrongs Act, this will afford an absolute immunity from action in defamation to the Government in respect of any further publication of the report, for example, by the Government Printer, and a substantial protection to any person who publishes excerpts or abstracts of the report. I assure members that there is absolutely no desire on the part of the Government to restrict debate on the report or to restrict it from becoming public in full. Obviously, it would not be a particularly useful or successful political action, if that is what the Government wanted to do.

However, we think that the timetable we have set out is reasonable. As long as the Royal Commissioner sticks to that timetable, we receive it on the Friday and it is tabled on the Tuesday. That gives the Government the opportunity of considering it and, obviously, of preparing a tabling statement in relation to it.

The Hon. K.T. GRIFFIN: As a supplementary question, will the Attorney-General indicate if, in considering whether or not to release the report publicly before it was tabled in the Parliament, he or his advisers had regard to the fact that the report of the royal commission into the dismissal of the Police Commissioner, the Salisbury report, and the report of the royal commission into prisons were, in fact, released publicly before they were tabled in Parliament, notwithstanding what appears to be the difficulty about defamation to which he referred in his answer?

The Hon. C.J. SUMNER: I cannot now recall where the Parliament was as far as its sittings are concerned when the report on the dismissal of the Police Commissioner was made available to the Government, nor can I recall where the Parliament was when the prisons royal commission report was received by the Government. The other one, which the honourable member did not mention but which I am happy to mention for the sake of completeness, and on which I checked, is the Splatt royal commission report, which was released in somewhat controversial circumstances, as I recall, a few days before Parliament sat. Parliament was not actually in session at the time that report was released, although it was due to sit two or three days afterwards.

Obviously if you get a royal commission report and there are no sittings of Parliament for two or three weeks, or months, or whatever, then I think you probably take the punt and release it, or, prudently, you do as we did on a previous occasion, which came to no effect you get a motion that enables the report to be released, with privilege, by the authority of a motion of the Houses of Parliament. But I do not think that is necessary in this case. I do not see what the hassle is. We are going to table it. The Parliament is sitting. I think it is appropriate that it be tabled in Parliament—

The Hon. L.H. Davis: It won't be leaked to the *Sunday Mail?*

The Hon. C.J. SUMNER: I do not know whether there is a bit of paranoia from the Opposition about whether it is going to be leaked to the *Sunday Mail.* It seems a fat lot of use if bits of it were leaked by the *Sunday Mail* and other bits weren't.

The Hon. L.H. Davis: We are not being paranoid, we are just being factual.

The Hon. C.J. SUMNER: Well, you are not being factual, either.

The Hon. L.H. Davis: They knew all about it. They even knew how many pages there were.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, I do not know anything about that, Mr President. As far as I am concerned it will be received by the Government, considered by the Government, a tabling statement will be prepared, and it will be tabled on the Tuesday. I have no problems if the media or honourable members opposite want some kind of lock-up period before it is released, to consider it before it is formally tabled. I am sure something like that can be arranged if that is what is desired.

ENTERTAINMENT CENTRE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Attorney-General, representing the Premier, a question on the Adelaide Entertainment Centre.

Leave granted.

The Hon. DIANA LAIDLAW: I note, first, that at least up until the most recent ministerial changes the Adelaide Entertainment Centre, through the Formula One Grand Prix Board, was the responsibility of the Premier; it may have moved to the Treasurer. My question concerns the arrangements made by Michael Edgely to present 10 performances of the Great Moscow Circus at the Clipsal Powerhouse from Thursday 18 February 1993. The *Advertiser* today reports a statement made by the General Manager of the Powerhouse, Mr Barry Richardson, that:

> ...the only reason that the circus is coming here is because the Adelaide Entertainment Centre is booked.

My advice is that that is not so. Representatives of Michael Edgely have confirmed to me that the Entertainment Centre was available when they first commenced their search for a suitable Adelaide venue. Indeed, the company had made a booking at both the Entertainment Centre and the Powerhouse, subject to negotiation about available seating and hiring costs. I understand that the Entertainment Centre let the booking go because it could not, or would not, match or better the terms offered by the Powerhouse.

The promoters are now delighted with their chosen venue, the Powerhouse. The configuration of the seating alone will ensure that all who attend will have a great view of the circus activities below. It appears that the booking for the Elton John concert at the Entertainment Centre in late February 1993 has only been made since the centre's management let go of the Great Moscow Circus booking. But by letting go of this booking the Entertainment Centre will be losing up to 80 000 patrons—or about 20 per cent of the 400 000 patrons forecast to attend the centre this financial year. Of course, the centre's income targets are based upon projections of audience attendances and, therefore, there is considerable concern about the future financial viability and arrangements in respect of the centre because of this loss of activity. Therefore, I ask the Leader:

1. Why did the Entertainment Centre let go of the initial booking for Michael Edgely to present the Great Moscow Circus at this venue?

2. What are the income projections for the Entertainment Centre this year and what impact will the loss of the Great Moscow Circus booking have on these projections?

3. What is the Government's response to renewed pleas by the promoters to amend the current arrangements where 10 per cent (or 770) of the seats at the Entertainment Centre comprise corporate boxes in prime positions? I understand that up to five promoters have recently written to the Premier pointing out that a similar venue, the Tennis Centre in Melbourne, comprises only 330 corporate seats and that they are located sky high, not in prime positions as is the case with the 770 seats at the Entertainment Centre.

The Hon. C.J. SUMNER: I will refer those questions to my colleague and bring back a reply.

READING RECOVERY PROGRAM

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about the reading recovery program in schools.

Leave granted.

The Hon. R.I. LUCAS: A number of teachers across a wide range of schools have drawn to my attention the reading recovery program which was developed to assist students with literacy problems. Developed originally in New Zealand in the 1970s and 1980s by Professor Dame Marie Clay, reading recovery is an early intervention program designed to help students who are making inadequate progress with their reading and writing after attending school for about 12 months.

Students who are found to be deficient in reading and writing skills typically receive personalised attention from a parent tutor who regularly works with them for about 45 minutes three times a week. Before working with the students the tutors attend training sessions where they obtain an understanding of the program, knowledge of the process by which children learn to read and write and practise the skills required by the tutor. I am advised that, besides having operated in New Zealand for about eight years, reading recovery programs have also been used in the United States and Victoria.

I am also told that Catholic Education has set aside considerable funds in its 1993 budget to bring two Victorian reading recovery tutors to South Australia and train 12 Catholic Education teachers in the technique. I understand the Education Department's Literacy Task Group is collating information on reading recovery in order to report to the Minister on its application in South Australian schools. However, there has been no indication at this stage as to when this review of the program will be completed. My questions to the Minister are:

1. What is the Minister's and the Government's attitude to reading recovery programs (as separate from the department's early literacy inservice course), which have had success interstate and overseas in helping children with literacy problems?

2. When will the review into the reading recovery program be completed and will the Minister make publicly available a copy of that review?

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

FIREARMS

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General representing the Minister responsible for police a question relating to unregistered firearms.

Leave granted.

The Hon. I. GILFILLAN: Members may be as surprised as I was to find that the amending Bill to the Firearms Act assented to on 1 December 1988 has not yet been proclaimed. Remembering what detailed work went into improving the legislation controlling firearms, I think it was remarkable to discover that, at this time, with South Australia harbouring thousands of unregistered firearms and with the problem (according to the police) getting worse each year, the legislation put in place to at least keep in check firearms in South Australia remains yet to be proclaimed. As of September this year South Australia had 116 769 firearm licences, but an alarming 16 000 (about 10 per cent) licence holders have failed to renew their licence. The State plays a major role in importing non-military firearms such as shotguns, pistols, rifles and a range of other dangerous weapons.

The importation of firearms into Australia is worth approximately $30 million a year and South Australians pay out more than $4 million a year on weapons. The most recent official figures on deaths due to firearms, from the 1990 calendar year, show 50 people were killed by firearms in South Australia with more than 600 killed Australia-wide.

There are serious deficiencies in South Australia's firearm laws with any 15-year-old being able to get a firearm licence easily, a measure which was, of course, amended in the Act which has not yet been proclaimed. Identification is not required to obtain a firearm licence and the purchase of a weapon is easily made upon production of that licence, but in South Australia firearm licences do not have an identifying photograph, an aspect which makes control of their use extremely difficult. Very few applications for a firearms licence are refused by police with just half a per cent of applications refused

for shotguns, rifles and other types of weapons and just 7 per cent of applications refused for pistol licences. The Auditor-General's Report, 1992, states:

> There has been a substantial increase in the outstanding renewals this financial year.

In other words, the non-renewals have substantially increased. It further states:

> Effective firearm control requires continuing allocation of sufficient resources to follow up non-renewed licences to ensure current location of licence holders and firearms is known.

In July this year the Police Department responded by stating:

> An increasing number of firearms have not been re-registered ...there is a huge backlog of applications and other forms yet to be processed. The new system was developed for the implementation of the Firearm Amendment Act 1988 which has not yet come into operation.

As a result there are thousands of unregistered weapons in our community, with figures showing a 50/50 split between urban and rural licence holders. In many cases officials simply do not have any idea who, where and what type of firearms are circulating in these large numbers in the community. My questions to the Minister are:

1. Why has the amendment to the Firearms Act, assented to on 1 December 1988, not been proclaimed?

2. Can the Minister indicate when it will be proclaimed?

3. Can the Minister explain why there is a rapidly escalating number of unregistered firearms in South Australia?

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

CHILD ABUSE

The Hon. BERNICE PFITZNER: I seek leave to make an explanation before asking the Minister representing the Minister of Health, Family and Community Services questions about child abuse.

Leave granted.

The Hon. BERNICE PFITZNER: We all know that there are different types of child abuse, that is, physical abuse, sexual abuse, emotional/psychological abuse and neglect. I have recently had to hand some statistics on physical child abuse and these statistics are of great concern.

Over a 10 month period 206 children were seen as either in or outpatients at the Adelaide Children's Hospital and practically all of these were confirmed physically abused children. Two hundred and six children over a 10 month period is just over one child being physically abused every other day.

Physical abuse usually shows up as significant bruises and broken bones. Of these 206 children there were 34 under 11 months, 85 between one and four years, and 82 between five and 18 years.

In the under 11-month-old, the biggest group of abused were one to two-month-old infants, who constituted 50 per cent of the group. At that age there is a tendency for prolonged crying and a potential for physical abuse. In the one to four year olds, the largest groups abused were one-year-olds, two-year-olds and three-year-olds. Together they constituted nearly 90 per cent of the group. At the age of one to three years the children are most active and difficult to discipline. These are only the physically abused children, not the sexually abused children, who constitute an equally large, if not larger, number of abused children. My questions to the Minister are:

1. Is he aware of these quite unacceptable large numbers of physically abused children?

2. What is being done about the long waiting list of allegedly abused children to be seen by the FACS workers and will more staff be available?

3. What is being done about the psychology section of FACS, where staff numbers are inadequate to cope with the rural and metropolitan child assessments?

4. At present, the head of the child protection service at the Women's and Children's Hospital is officially on duty 24 hours a day, 365 days a year. When will the child protection service be fully staffed?

5. What strategy will the Minister put in place to improve the situation?

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

SPEED ZONES

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Attorney-General, as Leader of the Government in the Council and representing the Minister of Emergency Services, a question about speed zones.

Leave granted.

The Hon. Diana Laidlaw interjecting:

The Hon. J.C. IRWIN: No, speeding this time. It would be interesting to know the statistics for the accident rate on the roads in South Australia and, in particular, in the metropolitan area while the speed cameras were not operating due to their being tested. Observations were made in the media by senior police and other people over the weekend about the traffic flow having speeded up. How that was measured I am not sure and do not know, but I would like to know whether statistics are available for comparison purposes while the speed cameras were not in action as opposed to when they were in action during the same period last year.

I am also interested to know who is responsible for setting various speed limits, for example, 60 km/h, 100 km/h or 110 km/h. Such limits must have been set following expert advice. I am referring not to exact locations of speed zones but rather to the various maximum speed limits that are set. Will the Attorney-General advise what power is given to the police to set various speed detector devices above the statutory limit?

Does the Attorney-General agree that, if latitude is allowed for faulty speedos, inaccurate devices, or whatever, the maximum speed limits should be set lower to preserve the integrity of the argument which indicates that driving over 60 km/h is dangerous in certain designated areas? I have the same argument where limits of 100 km/h and 110 km/h apply. For example, if the statutory limit was 55 km/h and 5 km/h was allowed for various errors, motorists would be booked at 60 km/h and

not as happens now where motorists are not booked until they are doing almost 70 km/h.

The Hon. C.J. SUMNER: If I understand the honourable member's question, he is querying whether it is reasonable for the police to allow some degree of tolerance in deciding whether to pursue a motorist who has exceeded the speed limit. Although it is probably not a written policy, I think it has probably been understood for years that some small tolerance is permitted by the police in some circumstances. I would imagine that that is part of police practice. I suspect that they do not bother to prosecute if the speed is 61 km/h. If it gets to 65 km/h they probably do. That is a commonsense approach to policing which I believe the honourable member ought to support.

ABORIGINAL HEALTH

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Transport Development, representing the Minister of Health and Community Services, a question about Aboriginal health trainees.

Leave granted.

The Hon. M.J. ELLIOTT: In March this year, the Parks Aboriginal Health Committee in conjunction with the Parks Community Centre Health Service applied to the Aboriginal Education Development Board for a number of trainee positions for workers in the Aboriginal health area. These positions included one podiatry assistant trainee, one dental assistant trainee, one clerical position and two generic health worker trainees.

I understand from various studies done into the state of health among Aboriginal people in this country that traineeships such as these are essential in order that Aboriginal people are able to access adequate health care services. The reason identified for this is that health care services are more accessible to Aboriginal people when they are delivered by Aboriginal people. The positions for which applications were made are also targeted to specific and long-identified health problems of Aborigines, namely, diabetic problems and dental problems.

The two positions of generic health worker trainees are intended to be devoted to the problem of diabetes, and the Queen Elizabeth Hospital has indicated that it will provide all the necessary training facilities for the trainees in this area. As yet, the Aboriginal Health Committee has received no indication of whether its application has been successful. It received word from the board that there was a problem with funding allocation, but there has been no official response. The committee therefore has no idea whether these important training positions will be made available. My questions to the Minister are:

1. What is the reason for the delay in informing the Aboriginal Health Committee about the positions for which it has applied?

2. Will the Minister give an undertaking as to when the committee will be notified?

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

MINISTERS' STAFF

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about ministerial staff.

Leave granted.

The Hon. L.H. DAVIS: A perusal of the Program Estimates and Information in recent times shows that ministerial staff in 1991-92 and for this year in some cases has overrun budget, notwithstanding very difficult economic circumstances. In view of the reshuffle of ministerial portfolios under the new Arnold Administration, will the Attorney-General advise whether consideration has been given to staffing numbers in view of the economic circumstances facing this State?

The Hon. C.J. SUMNER: I will have to obtain that information for the honourable member. Obviously, there has been some discussion about ministerial staff in the rearrangement. Quite where that has all ended up, I am not sure. I am not sure whether the honourable member is referring to ministerial staff in the sense of ministerial officers, that is, press secretaries and ministerial officers—

The Hon. L.H. Davis: Ministerial staff.

The Hon. C.J. SUMNER: That is what he is referring to—the so-called political staff as opposed to permanent public servants. I do not have one, so it is not a matter that occupies my mind greatly. I have a press secretary, and that is all at the present time. I have not sought anyone further, but obviously there was some rearrangement of ministerial staff. I will ascertain whether the information can be provided to the honourable member.

LOCUSTS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Primary Industries a question about plague locusts.

Leave granted.

The Hon. PETER DUNN: I asked a question two or three weeks ago about plague locusts but as yet have not received a reply. The question at hand is rather urgent. I read with some concern an article in the *Stock Journal* this week about the latest infestation. Further, I received a couple of phone calls over the weekend from people in the Lower Flinders Ranges who say that the matter is quite dramatic. The small column in the *Stock Journal* stated:

> Hawker farmer Allen Burt, Gumvale, said . . . 'They're eating everything in sight. They're hopping madly from one mad source of green feed to another, stripping clover back to the burr, chewing at the leaves and stems of cereal crops.'

Campbell Phillips, a technical officer in the area, stated:

> . . . unseasonably wet weather this spring had spread havoc with locust control plans. In some gullies locusts are already at the winged stage. Within a kilometre some are still hatching.

That has implications in the control of locusts. Finally, Phil Warren, the Department of Agriculture officer in charge of field operations, stated that the department and landholders had a mammoth task ahead of them. He said

that for every dollar spent it saves $30 in lost production. My questions to the Minister are:

1. What funds and resources have been set aside? (I asked that question a fortnight ago.) Have they been reviewed in the light of the latest reports?

2. Will the Minister assure primary producers that sufficient funds and resources will be made available to control the plague of locusts?

The Hon. BARBARA WIESE: This is a matter which is of considerable concern to the Government and to the new Minister of Primary Industries. Members will recall that it was on his very first day in this place as Minister that he made a ministerial statement concerning the locust plague and the measures that were about to be implemented by the Government. Since that time, I know that he has visited the affected areas of the State and has witnessed for himself the implementation of that program. He is, of course, very concerned to see that the control measures are effective in the interests of primary producers in this State. I will refer the specific questions about costing to my colleague in another place and bring back a reply as soon as possible.

GRAND PRIX

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Recreation and Sport a question about the Grand Prix.

Leave granted.

The Hon. J.C. BURDETT: I refer to two reports in the *City Messenger* of tomorrow. The first report is on the front page, and it states:

> The Australia Formula One Grand Prix is poised for a $3.5 million loss on the running of this year's event. This will take the combined losses since the event began to $15 million. While the event brings major spin-off benefits to Adelaide, are these taxpayer funded losses on staging the event justified?

Page 3 contains an extended report, which states in part:

> Since starting in 1985, the Grand Prix has had only one profitable year, with the State Government picking up the board's losses, amounting to $11.5 million. With this year's anticipated loss added, the State Government will have covered a total deficit bill of $15 million. In 1985, former Premier John Bannon agreed to absorb any annual loss up to $2 million (1985 dollars), but Liberal MP Mark Brindal said the Grand Prix Board was now budgeting on the assumption it could afford to blow out by $2.3 million each year.

Further, the article states:

> 'I personally believe that the board is fixing its budget by saying they can have a $2 million loss,' Mr Brindal said.
>
> Mr Brindal is a member of Parliament's Economic and Finance Committee, which last month reported on the Grand Prix Board and recommended a number of changes in order to cut losses.

The particular point that I take from this report is as follows:

> Mr Brindal said, for example, the Adelaide Grand Prix office was the only one in the world which operated for 12 months.

My questions are:

1. Could consideration be given as to how it is justified to operate the Grand Prix office for 12 months in the year, when obviously it is doing business for a fairly short time only?

2. While it has been consistently said that the spin-off benefits to Adelaide are $20 million, how are the spin-off benefits calculated?

The Hon. ANNE LEVY: The question was addressed to the Minister of Recreation and Sport: I think it should have been directed to the Premier, as he is responsible for the Grand Prix Board. However, I would like to say that the economic studies on the benefits to the Grand Prix have been conducted in the same manner as those of the festival to South Australia. In all cases, it has been shown that there is enormous spin-off to the South Australian community: although there is a Government contribution to the running of the event, the visitors to the State bring a great deal of money into the State. Our restaurants, hotels, cinemas, taxis, delis, and the whole retail trade benefits. This has been very carefully documented—certainly for the Festival of Arts—and I understand in a similar manner for the Grand Prix.

There is no question that it is very much to South Australia's benefit to have such internationally renowned events occurring here. It is very much to our benefit from an economic point of view and, of course, from the point of view of putting us on the international map. But, for a more detailed response to the honourable member's questions, I will see that they are referred to the Premier, who has carriage for the Grand Prix Board.

VICTORIA SQUARE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the Victoria Square liquor ban.

Leave granted.

The Hon. K.T. GRIFFIN: The Liquor Licensing Act allows the consumption of alcohol to be banned in designated public places. Of the number of so-called dry area designations, the most notable are along parts of Adelaide's foreshore. As I understand it, the Adelaide City Council—

The Hon. Anne Levy: Hindley Street.

The Hon. K.T. GRIFFIN: Yes. Well, there are a number of others, including Hindley Street and the Glenelg foreshore. I note that the Adelaide City Council has now resolved to request the Government to ban the consumption of alcohol in Victoria Square, where groups of people do congregate and drink to excess. There have been many reports over a period of time of people being molested by drinkers in Victoria Square, and certainly many people are concerned for their safety, as well as being offended by offensive language and verbal abuse.

There is, though, the more general concern that many people who do pass through Victoria Square are not able to cope with the public drunkenness and what they see as offensiveness as they pass by the various groups. Now that the Adelaide City Council has made its decision, will the Government now declare Victoria Square a dry area and, if not, will the Minister declare why it will not do so?

The Hon. ANNE LEVY: I, too, have seen the report regarding the decision by the Adelaide City Council, but as far as I am aware no request has yet been received by the Liquor Licensing Commissioner. It seems to me that really the terms of such a request need to be considered

carefully before making any spot judgments when there is nothing other than a newspaper announcement on which to base a response.

Presumably, the honourable member will be aware of the policy of the Government and of the Liquor Licensing Commissioner where dry areas have been proclaimed as part of a package for dealing with public drunkenness and offensive behaviour in certain areas. It is not just a question of declaring an area dry: there is a program devised by the local council in consultation with the Crime Prevention Unit, the Attorney-General's Department, the Liquor Licensing Commissioner and other agencies to bring a coordinated response to a particular problem in a particular place.

One measure amongst many that can be used as part of an overall strategy is to declare a dry area. I have no doubt that, if and when an application is received from the city council, the same procedures will be followed through as have applied to other applications not just from the city council but from several councils around the State, and a similar strategy for coping with a particular problem will be devised, of which a declaration of a dry area may or may not form part.

However, it is not something that is viewed in isolation: it is part of a total strategy in each case. Experience has shown that, in most cases that have occurred to date around the State, the strategy is proving very successful. That is not uniformly the case but, in general, the approach of an overall strategy is acknowledged by all concerned to be working very well.

URRBRAE HOUSING COOPERATIVE

The Hon. J.C. BURDETT: I understand that the Minister for the Arts and Cultural Heritage has an answer to my question of 25 August about the Urrbrae Housing Cooperative.

The Hon. ANNE LEVY: As this is a fairly lengthy response, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

The former Minister of Housing and Construction advised that the Urrbrae Housing Association was first incorporated under the Associations incorporation Act on 20 June 1985 and subsequently became Incorporated under the Housing Co-operatives Act 1991 on 26 June 1992.

The Association has been experiencing management difficulties and internal conflict over the last two years. During this time both Trust officers and staff of CHASSA (Community Housing Assistance Service of South Australia) have provided advice and support, but personality conflicts still exist within this group.

In November 1991 the Trust contracted an independent auditor Mr Tim Major to report on the financial activities of the Association. The report received by the Trust on 19 December 1991 highlighted a number of entries in the account books that appeared to be inconsistent with the terms of the agreement with the Trust and the usual operation of a Housing Association.

The audit report was addressed by the Board of Urrbrae, the Trust and the Department of Corporate Affairs and Small Business. A representative from the Trust was appointed to the Board on 9 January 1992. Corporate Affairs carried out preliminary investigations and in April 1992 considered that further investigation was inappropriate due to the following:

• The Trust was actively involved in assisting the group with management issues.

• Preliminary investigations did not reveal any evidence that the Association Incorporations Act had been breached.

• Several complaints investigated related to Civil matters.

• The group was in the process of becoming Incorporated under the Housing Co-operatives Act 1991.

The Urrbrae Board enlisted the assistance of a Chartered Accountant, Mr Barry Edgecombe who has now completed the Annual Report for 1991-92. This is a qualified report which concurs with the report of Mr Tim Major.

With regard to rent payment matters tabled by the Honourable J.C. Burdett, the rental formula and guidelines used by the Co-operatives Program requires a twice yearly review of tenants income. The process used by the Board of Urrbrae in this matter is considered acceptable and the rents charged are in line with the Program rental formula.

Urrbrae Housing Co-operative registered under the Housing Co-operatives Act on 26 June 1992. SACHA (South Australian Co-operative Housing Authority) was unable to act prior to this date as the intervention powers under the Act apply only to registered organisations. A recent Annual General Meeting of the Co-operative failed to resolve issues of concern to the Government.

Accordingly, the former Minister was advised that officers of SACHA are now seeking to investigate the affairs of Urrbrae and are proposing to intervene in the Co-operative pursuant to section 71 of the Housing Co-operatives Act 1991, which will involve the appointment of an independent investigator.

ART GALLERY

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about the Art Gallery of South Australia extensions.

Leave granted.

The Hon. DIANA LAIDLAW: As the Minister will recall, on 15 August 1991 she announced that the Government was deferring for two years stage 1 extensions to the Art Gallery of South Australia, costing about $15 million. I read with great interest the annual report for 1991-92 of the Art Gallery of South Australia and note that it makes extensive reference to the extensions, including the fact that the Art Gallery of South Australia has proposed that fresh consideration be given to extending the current stage 1 scheme in the following areas-

(i) Completion of stage 2 extensions: in the course of planning stage 1 extensions it has become apparent that there would be organisational and cost penalties for undertaking stage 2 extensions at a later time than stage 1. The Art Gallery of South Australia has also advanced the argument that attracting capital works funds for further work on the gallery will involve very substantial delays and will build intractable obsolescence into the overall Art Gallery facility.

It therefore proposes that stages 1 and 2 be undertaken simultaneously, and that this would be the most effective option for the gallery and, therefore, for the State. In respect of the completion of the revised stage 3 extensions, the annual report notes that the Director and board of the Art Gallery of South Australia strongly expressed the view that stage 3 extensions will never be undertaken unless this work proceeds concurrently with stages 1 and 2. On this basis, representation has been made to the Minister for the Arts and Cultural Heritage.

My question to the Minister is: what has been her reply to these representations from the Director and board of the Art Gallery of South Australia in terms of completing all three stages at the one time, rather than completing stage 1, amounting to some $15 million, as a single

project and then undertaking stages 2 and 3 at a later date?

The Hon. ANNE LEVY: Whilst the question raised by the honourable member in quoting from the annual report has been raised in discussion, no formal proposal has been put to me by the board of the Art Gallery of South Australia at this stage and no consideration has been given to it. I should point out to the honourable member that the Public Works Standing Committee, as it then was, gave its approval for stage 1 of the gallery extensions, noted in its report that there may be cost economies in following straight on to stage 2 from stage 1 but made no recommendation on that topic, and has never given any consideration to stage 3.

Also, as I understand it, planning approval has been obtained from the Adelaide City Council for stages 1 and 2, but stage 3 has never even been put to the Adelaide City Council for planning approval. At the moment it is stage 1, to which I referred last year in my statement, which has been postponed for a two-year period, and there has been no further official consideration from then until now.

OIL SPILL

The Hon. M.J. ELLIOTT: I understand that the Attorney-General has an answer to a question I asked on 10 September on the subject of tanker berthing?

The Hon. C.J. SUMNER: Yes, and as it is a fairly lengthy reply I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

The former Minister of Marine has provided the following response:

To clarify this Council's understanding of the operational procedures for berthing tankers at Port Bonython I will provide a statement of operations conducted at this Port, before providing responses to the Honourable Member's specific questions. This is necessary as much of the information contained in Mr Elliott's explanation is not particularly accurate.

The former Minister of Marine has advised that when shipping operations commenced at Port Bonython in 1983 the Harbormaster, in conjunction with Santos, the tug (Ritch and Smith Ltd) and linesboat owners (Port Lincoln Tugs) decided that the following would be used for each berthing and sailing operation.

Berthing: 2 Tugs (Ritch and Smith)
2 Linesboats (Port Lincoln Tugs)
1 Wharfinger and 8 Linesmen (DMH)

Sailing: 2 Tugs
1 Linesboat
1 Wharfinger and 8 Linesmen

After the ship had berthed, a standby vessel (either one of the linesboats or the Santos Shark Cat, manned by Port Lincoln Tugs personnel) was available at all times for any emergency situation which may occur throughout the vessel's stay at Port Bonython. The Shark Cat owned by Santos is an 8.3m fibreglass commercial vessel, surveyed by the Department of Marine and Harbors, and suitable for use in the deployment of oil containment equipment, dispersant spraying and personnel rescue, not a fibreglass runabout as indicated in the preamble to the question.

In 1990 the Department of Marine and Harbors carried out a review of all mooring operations, including Port Bonython as there had been criticism of the number of linesboats used at this port by Santos, shipping companies and their agents. New guidelines for mooring operations were subsequently implemented in July, 1990 as ships now frequently calling at Port Bonython, including the Era, were equipped with fewer mooring lines, all of light construction. This simplified the procedures and the new guidelines required the following to be utilised on all vessels.

Berthing: 2 Tugs (except on one Australian LPG tanker which is equipped with an efficient bow thruster in which case one tug is used).
2 Lineboats (except for Australian coastal tankers which are equipped with synthetic mooring lines in which case one linesboat is used).
1 Wharfinger and 6 Linesmen.

Sailing: 2 Tugs (except the abovementioned LPG tanker).
1 Wharfinger and 2 Linesmen (quick release hooks were commissioned for use during let go mooring operations).

A standby boat is available from the time the vessel berthed until sailing as before, the only change being that the Santos Shark Cat would be utilised for standby duties at all times.

Linesboats were dispensed with for sailing as the DMH pilot vessel was on station at every sailing for any emergency situation that may arise. Initially the purpose of a linesboat for sailing was in case a vessel had to re-berth after sailing because of an emergency situation. This had never occurred and after consideration it was felt if an emergency arose the vessel could be towed to anchor by the attendant tugs rather than re-berth.

The manoeuvring of a vessel to a berth relies on both the vessels' own propulsion systems and assistance by the attendant tugs to push and pull as required. The number of linesboats is determined by the number and construction of the mooring lines which have to be run. Linesboats would not normally be used for manoeuvring the vessel, as suggested by the Honourable Member.

Finally in reply to the specific questions raised the answers are:

1. Yes, a linesboat was used for berthing the Era on 30 August. The Era is an Australian tanker equipped with synthetic mooring lines.

2. An investigation into the accident should reveal any problems associated with operations at the Port. This inquiry is almost complete and a report will be submitted to the Minister of Marine in the near future for appropriate action.

PRIVACY BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 394.)

The Hon. C.J. SUMNER: (Attorney-General): I thank all members for their contributions to this debate. It is most disappointing that there is no agreement within the Parliament on what form privacy protection should take in this State. It is useful to look at the history of privacy protection in this Parliament in the past couple of years. In December 1990 a select committee was established in another place to consider deficiencies or otherwise in the laws relating to privacy and, in particular:

(a) to consider the terms of a draft Bill entitled 'an Act to create a right of privacy and to provide a right of action for an infringement of that right; and for other purposes';

(b) to examine and make recommendations about specific areas where citizens need protection against invasions of privacy; and

(c) to propose practical means of providing protection against invasion of privacy.

The draft Bill that the committee was charged with considering created a general right of privacy and provided that the infringement of the right of privacy is a tort, actionable by the person whose right is infringed. The committee took evidence from a number of

individuals and organisations with differing views as to whether it is necessary to create a general right of privacy by legislation, and unanimously concluded that the draft Bill should be adopted with modifications. There were Labor, Independent Labor and Liberal members on the select committee.

The Government introduced a Bill, modified as recommended by the committee. The Bill was an innovative measure which would have ensured that the privacy interests of South Australians were protected without hampering the legitimate dissemination of information. However, the all Party support for the measure dissipated in the House of Assembly and the Bill that emerged from the other place was an emasculated version of that which had been recommended by the select committee. Several factors caused the Government to reconsider its position in relation to the creation of a general right of privacy, any infringement of which is a tort actionable by the person whose right is infringed.

The select committee Bill provided a remedy for a person who was harassed by another person who had his or her personal or business affairs or property interfered with to a substantial and unreasonable extent by another person so as to cause him or her distress, annoyance or embarrassment, and the harassment or interference was not justified in the public interest. This provision was regarded as necessary by the select committee to provide a remedy in those situations with which all members of Parliament are all too familiar—the feuding neighbours. At the time the select committee was considering the matter the only court which was able to grant an injunction that aimed at stopping such harassment was the Supreme Court—a remedy too expensive for the majority of people.

The problem with this remedy is that it overlapped, to an extent, with the common law action of nuisance which gives property owners a right of action against those who interfere in the beneficial use of their land. While in an action for nuisance some weight is given to the purpose or motive of the defendant's activity, there is no public interest element as was required in the select committee's provision. The provision overlapped with the law of trespass also. The existence of the committee's provision and the law of trespass and nuisance could lead to confusion. The anomalous result could arise under the Bill, as it emerged from the other place that, where a journalist persisted in trespassing on somebody's property, the owner may perhaps succeed in an action for trespass, but not under the privacy provision, because what the journalist did may be regarded as having been in the public interest.

Also, as a result of the amendments to the Bill, injunctions were not to be available against the media in actions for infringement to a right of privacy. However, a property owner may have been able to get an injunction against a journalist if the action had been brought in trespass or nuisance. Further, the damages that may have been awarded would have differed according to whether the action was in nuisance or trespass or in privacy. Only in an action for infringement of privacy could damages have been awarded for distress, annoyance or embarrassment. Damages are not awarded for distress, annoyance or embarrassment in tort (except in defamation).

These anomalous results, together with other developments, caused the Government to rethink its support of the tort. The Magistrates Court Act 1991 and the District Court Act 1991 now give those courts injunctions powers and, in addition, the Magistrates Court Act provides for relief in neighbour disputes in the minor claims division of the court. Another development which influenced the Government was, as I mentioned previously, the uniform defamation legislation being developed in the Eastern States, which has been monitored by the South Australian Government and the Standing Committee of Attorneys-General (see earlier my ministerial statement of 25 March 1992).

Amendments which the Hon. Mr Elliott proposed to move during debate on the 1991 Bill would have emasculated the Bill even further. The amendments would have removed the media from the ambit of the Bill altogether. Public interest groups would also have been exempt. Difficulties would also have been caused by the proposed amendments to apply the Bill only to the private as opposed to the business financial affairs of a person. The line between a person's private and business financial affairs is often difficult to draw. The exclusion of the media, public interests groups and business affairs from the ambit of the Bill creating the tort of privacy would, in the Government's view, have left it with little to do.

For the reasons outlined above, the Government decided not to proceed to create a general right of privacy. The Hon. Mr Elliott, on behalf of the Australian Democrats, and I had agreed on amendments to establish a privacy committee and enshrine information privacy principles in legislation. The Government considered that a privacy committee with the function of receiving and investigating complaints concerning alleged violations of the privacy of natural persons would provide a focus for people's concerns about privacy and provide a basis for assessing what, if any, further measures need to be taken to ensure that personal privacy is appropriately protected. Further, placing the information privacy principles on a statutory footing would emphasise the Government's commitment to preventing abuse of private information in the hands of the Government.

This entirely reasonable approach to dealing with privacy interests has again been subject to some quite unreasonable criticism. The Media, Entertainment and Arts Alliance, for example, is apparently unaware that a privacy committee has been in existence in New South Wales since 1975 with, I might add, coercive powers, without any detriment to the media in that State. Criticism has also been made of the Bill because it does not contain any definition of privacy; neither, I might add, does the New South Wales Privacy Committee Act 1975 nor the Commonwealth Privacy Act 1988.

Critics of the privacy committee also appear to overlook the existence of the Press Council, which receives and investigates complaints against the media. The Press Council has no coercive powers and has been criticised for lacking teeth. In fact, I have criticised it myself. However, the Government, after consultation with the Democrats, considered that this very low key approach to the protection of the privacy of natural persons was the one to take at this stage. Further, the Opposition in this place has now indicated that it will

support the second reading only to move amendments to confine the operation of the privacy committee to the public sector.

The Independent Labor members, Messrs Peterson, Evans and Groom, had previously indicated that they were opposed to a privacy bureaucracy and continued to support the modified original Bill creating a tort of privacy. While in my view the current Bill does not create a privacy bureaucracy with coercive powers, or so-called privacy police, it does not meet the Independent's desires for retention of the tort.

Mr President, in summary, the reality is that at present this Bill does not have the support of the Parliament:

1. The Liberal Party opposes a tort of privacy and opposes any application of the privacy committee beyond the public sector.

2. The Labor Party and the Australian Democrats support the present Bill.

3. The Independent Labor members in the House of Assembly oppose this Bill but support the modified original Bill creating a tort of privacy.

The Bill could pass this House but would fail in the Assembly. In the negotiations leading to the coalition Government it was agreed that the Independent Labor members would not be required by Cabinet solidarity to change their previously announced positions on the Privacy Bill.

The Hon. R.I. Lucas: Only on that Bill?

The Hon. C.J. SUMNER: There were only two, I think: the Privacy Bill and their announced position on the unclaimed lotteries moneys going to the festival.

The Hon. R.I. Lucas: Not WorkCover?

The Hon. C.J. SUMNER: No, not WorkCover. Accordingly, there is no alternative but to acknowledge that there is no Bill which is going to gain the support of Parliament. This is regrettable. There is no doubt that issues of privacy are going to have to be given legislative attention at some time in the future. This is obvious from the current debate about the sale of private information—as exposed by the New South Wales Independent Commission against Corruption—and general concerns about the information held by both public and private sector computer data banks.

As mentioned earlier, if national uniform defamation laws are agreed, privacy considerations may form part of these and be the subject of further debate in this Parliament. For the moment, however, there is no point in proceeding with this Bill because of the lack of agreement within the Parliament on it. However, I believe that the Bill should be referred to the Legislative Review Committee to enable it to monitor developments in the privacy field and in due course to consider whether this or some other Bill should be considered by the Parliament at some time in the future.

Mr President, as honourable members know, I have now given a contingent notice of motion on the Bill being read a second time to refer it to the Legislative Review Committee. That motion was given today and therefore cannot be considered until tomorrow, unless Standing Orders are suspended. But I think it is reasonable for honourable members to consider whether that should happen and, accordingly, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

POLICE (POLICE AIDES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 539.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill which basically deals with the issue of Aboriginal police aides, although police aides are not qualified in the description in the Bill. The Bill seeks to provide, for the first time, statutory recognition of police aides. In the past they have very largely been drawn from the Aboriginal community and have had their duties focused upon either Aboriginal lands or Aboriginal communities, and they have been particularly effective in policing in those communities. They were appointed as special constables by the Police Commissioner and had wide powers within the areas of their appointment. Now they are appointed in their own right as police aides.

The Opposition indicates support for that proposition. My colleague, Mr Graham Gunn, the member for Eyre in another place, has said that this is long overdue—and so it may be. But at least it now comes before us as an amendment to the principal Act, still allowing the Commissioner to make the appointments subject to such limitations either as to powers or as to the area within which particular aides will operate, those limitations being imposed by the Commissioner. We see no difficulty with that. As I say, they have been of particular value in Aboriginal communities. The number of Aboriginal aides is growing and they ought to therefore be recognised.

I gather there is one area of concern that comes more from the Police Association than anywhere else, and that is that the conditions of appointment, including remuneration, are to be fixed by the Police Commissioner rather than under the industrial law of the State. My personal view is that the Commissioner fixing those terms and conditions of employment does allow for the sort of flexibility which will be necessary in the appointment of police aides, because their duties may vary from one location to another as may the amount of time they put into their tasks. Personally I am quite relaxed about the Commissioner having power to make the appointments and also to fix the remuneration. Subject to that, I indicate support for the Bill.

The Hon. PETER DUNN: I also support this Bill. I am probably one of the few members in this Chamber who even knows an Aboriginal police aide. This program has been one of the success stories of the north-west. Initially police aides were given limited powers and, in my opinion, used them to great success. The most significant thing they have done is lower the number of children who were petrol sniffing. If ever there was a debilitating process it was young people sniffing petrol. If you go to Ernabella today (and I am directing my remarks particularly to the north-west of South Australia, the Pitjantjatjara area, where petrol sniffing was particularly bad) you would note the effect that petrol sniffing has had on the young community, on the teens and 20 year olds. A modem society cannot allow people to do that sort of damage to themselves.

The police aides have been most successful in suppressing petrol sniffing, although they have not cured

it. A number of projects have been taken up, particularly by the Federal Government, to try to cure it. We had groups coming from Alice Springs and Sydney; I do not know whether there were any from Adelaide. The cost was quite astronomical and their success appeared to me to be negligible because petrol sniffing increased, They have now controlled this by taking the children who were petrol sniffing and using occupational therapy on them. They took them into the bush and taught them a few home truths, and for punishment they might even take them farther out and say, 'You had better stroll home. It will do you a world of good.' By the time they get home they have forgotten about their petrol sniffing. Whatever they have done they have been very successful in curing petrol sniffing in the Pitjantjatjara lands.

One of the other things they have done is use Aboriginal aides to control the use of alcohol when they are off the lands. I witnessed one particular occasion when I attended the Oodnadatta races, and the public behaviour of some people was not acceptable. Shortly after that the Marla police brought in several aides and the problem cured itself within a matter of 20 minutes. It was successful. There was no scene and I think it was cleaned up very well. The point is that the selection of these people to control problems within their own community is seen by the Aborigines themselves as a good step and they want that.

The choice of these people is the more difficult project. You must choose those people who in fact have enough authority within their community and yet are probably not community chairmen or an absolutely senior person on site. The choice of these people I think has been successful. Much of the credit can go, first, to the communities and, secondly, to the advice given by the police at Marla. I pay tribute to those people. The important provision in this Bill is new section 20f, which gives these people the true authority. Not only does it relate to the true authority of a normal policeman whom they see on infrequent occasions. At Amata a normal policeman is stationed and his job is to travel among those communities and assist the aides. I think the aides need to be at a minimum of two in each of those communities and I include Pipalyatjara or Mount Davies. That community is the most westerly and it is a very remote community, with not a lot of people there. But when something goes wrong it takes about 12 hours for a police car from Marla to get there. So the person who has committed the crime has usually gone and takes a long time to come back. Probably two police aides in that area would assist when something does go wrong. Maybe the force can empower people to be used not all the time but part time and be on call when necessary.

There was a case out there where one police aide could not control a situation. Some months ago there was one case where several of the police aides exceeded their authority. That was an unfortunate case. I expect it not to happen again. It must not happen again because it will bring them into disrepute if it does happen.

We are now seeing police aides being used in the smaller towns and cities like Port Augusta and Port Lincoln. I have also noticed them in Adelaide; they may actually be trained policemen in Adelaide, I am not quite sure. However, I applaud that move; it is a good idea to have those people dealing with their own, particularly in the Pitjantjatjara lands and those other areas where English is not good, and Pitjantjatjara, Arunta or whatever is spoken. From my observations these police aides are fluent in those languages and their use is most successful.

I would make a plea that in the long term the Marla Station should be furnished with a light aircraft to service that area. At the moment, in the wet conditions, I understand the roads have been particularly inaccessible. It has been very difficult for police to get in and out of those communities, and we must remember that those communities have 300 to 600 people in them. They are not exactly small communities. When something goes wrong, if it takes a long time to get to them, that is expensive because we are paying salaries for people to travel on roads in vehicles and being non-productive. Perhaps light aircraft for the police, the courts, education and other Government services might be very cost effective. I have used them myself. It is not always the best way to travel, but generally police like to be in and out of those areas quickly. I recommend that perhaps in the future we look at servicing that area with a light aircraft and with the police in charge of it, having a pilot situated there. It does not need a big, heavy aircraft; it does not need a hugely expensive operation but something that can rapidly traverse what is a very rugged and rough area.

However, I applaud the changes to the Act that allow those police aides to be given the status whereby they are policemen. I understand what the Hon. Trevor Griffin has said regarding their salaries, but perhaps those salaries could be varied according to the amount of responsibility those people have. For all those reasons, I recommend the Bill to the House.

The Hon. I. GILFILLAN: I would like to indicate Democrat support for the Bill. It is one of the more enlightened approaches to the policing and integration of Aboriginal culture into the non-Aboriginal context. I would emphasise many of the points that have been made previously. It is an area where a much more sensitive and effective form of policing can be administered because of the unique character of police aides in dealing with Aboriginal members of our community.

I applaud the acknowledgment in the second reading introduction of the Bill as follows:

> Police aides are now an established feature of policing in this State. Depending on funding, by the end of the 1992-93 financial year it is proposed there will be 32 police aides employed in traditional, country and urban locations.

What is the intention of the policing by Aboriginal police aides in urban locations particularly? I recognise from the Bill that each aide or group of aides can be given specific tasks under specific regulations determined by the Commissioner. Where there is a situation in Adelaide where there are groups in which Aboriginal and non-Aboriginal people may well be involved, does the Government envisage that the police aide will be acting as a fully fledged police officer, with all the powers this ill will give that person, in respect of all members of the community? Or is the Government intending that there will be specific and quite clearly defined tasks that police aides, as mentioned in this Bill, will undertake?

I ask that question because it does need to be clarified (certainly in my mind) to minimise any potential

resentment and any potential confusion between what is the clearly deemed role in Aboriginal communities in the traditional and some of the rural areas. However, in the metropolitan area, we do have quite frequently mixed groups, and there is a call for a clear identification of what the role of the police aides will be. That is really a question for information and getting some indication from the Government how it envisages this working in the metropolitan area. I repeat that the Democrats welcome and support this move which is formally recognising the significance and importance of police aides.

Bill read a second time.

In Committee.

Clause l-'Short title.'

The Hon. I. GILFILLAN: I ask the Attorney-General whether he is able to answer the question that I raised in the second reading debate. If not, will he provide me with an answer in due course?

The Hon. C.J. SUMNER: Aboriginal police aides operate in the metropolitan area and in the Elizabeth area, for instance, as I recollect it. As I understand it, they do not have the full powers of police officers. The question the honourable member asked is whether they will have, once this Bill is passed. I will undertake to refer that question to the Minister and he will respond by letter, or if you prefer we will adjourn the matter. I cannot answer that question. I am happy to respond by correspondence.

The Hon. I. GILFILLAN: I am quite content that the Attorney-General give an undertaking that I will get an answer by correspondence. I certainly do not want to delay the Bill and I do not regard it as a matter of such significance that it need impede its passage through this place. I do think there will be a difference in the aspect and the character of police aides when they acquire, as I understand it from this Bill, full powers of a commissioned police officer.

An honourable member interjecting:

The Hon. I. GILFILLAN: The interjection is, 'No, they do not.' I turn to new section 20 *(c)*, which provides:

> A police aide has, subject to any limitations specified in the minute of appointment or imposed after appointment by the Commissioner by notice in writing given to the police aide, the same powers, responsibilities and immunities as a member of the Police Force.

That indicates to me that at least they will start off with virtually the same authority and powers as a commissioned police officer subject, as the Bill points out, to limitations specified by the Commissioner. What does the Government anticipate will be limitations, if any, that will apply to police aides that are working in the metropolitan area, such as the suburb of Elizabeth as referred to by the Attorney? I am quite happy, to have that answer in writing. That would satisfy my curiosity.

The Hon. C.J. SUMNER: I am happy to get that answer.

Clause passed.

Remaining clauses (2 to 4) and schedule 1 passed.

Schedule 2.

The CHAIRMAN: I draw to the Committee's attention the fact that, because of an amendment to the Police Superannuation Act, it will be necessary for a clerical alteration to be made to schedule 2. In relation to part *(b)*, rather than reading 'by inserting in schedule 1 after clause 7 new clause 8' it should read 'after clause 8 new clause 9'. It will be subject to clerical revision, which will happen automatically.

The Hon. K.T. GRIFFIN: I raise a question about the amendment to the Police Superannuation Act. It refers to the provision being subject to regulations, but where a special constable was employed as an Aboriginal police aide during the period from 1 July 1992 until the commencement of this Bill, that person is to be treated as though he or she had been a member of the Police Force and had contributed as a contributor under the new scheme for the time during that period for which the person was so employed.

I presume from that that it is intended that, from 1 July to whenever this Bill is proclaimed to come into operation, police aides who are presently special constables will be regarded as having been employed in accordance with the Police Superannuation Act. However, it is not clear what is meant by the provision that they will be treated as though they had contributed as a contributor under the new scheme.

Does that mean that police aides as special constables have been contributing to the Police Superannuation Fund, or does it mean that they will be given a credit without their being required to make any contribution to the superannuation fund between 1 July and the date when this Bill comes into operation?

The Hon. C.J. SUMNER: Yes, they will be deemed to have been contributing.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes, I am advised that they are getting a credit in the sense that the honourable member used it.

The Hon. K.T. GRIFFIN: Can I presume that they are getting a credit for a period of four to five months? Will they, from the point where this Bill comes into operation, thereafter be making contributions as though they were police officers?

The Hon. C.J. SUMNER: Yes.

Schedule passed.

Title passed.

Bill read a third time and passed.

AMBULANCE SERVICES BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Transport Development): I move:

That this Bill be now read a second time.

This Bill seeks to repeal the Ambulance Services Act 1985 and to provide the legislative base for a new entity (the S.A. St John Ambulance Service Inc.) to operate ambulance services previously controlled by St John. The Bill also provides for the licensing of other persons who provide ambulance services in this State. Honourable members will recall that the Bill was tabled earlier this year.

The existing Ambulance Services Act 1985 was enacted as a result of the work of a parliamentary select committee in 1984 which, among other things, recommended that ambulance services be licensed, and that the St John Ambulance Service be controlled by an ambulance board with responsibility for maintaining an appropriate balance between St John Ambulance Brigade

volunteer ambulance officers and paid employees, training and development and general administration of the ambulance service. The permanent licence issued to St John is currently in the name of the St John Council.

Volunteer and paid officers have worked together for many years providing a highly professional ambulance service to the South Australian community. However, late in 1989, as a result of differences between volunteer and paid staff, the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem (the Priory) decided to withdraw St John Brigade volunteers from the ambulance service and to separate the ambulance service from all other St John activities. This decision followed many months of discussion about the working arrangements between volunteer and paid ambulance officers. It was then resolved to move towards an ambulance service fully staffed by paid employees in the metropolitan area by 1993. In addition, it was agreed that ambulance services with paid staff and volunteer involvement in some of the larger country centres would become fully paid and 64 country centres would continue to be operated wholly by volunteers.

Transition to these new staffing arrangements involves significant additional funds for the required increase in recruitment and training of additional paid officers.

As a result of Priory's decision and the consequential funding implications, a comprehensive assessment of the St John Ambulance Service was undertaken by a steering committee with the assistance of a private consultant.

This comprehensive assessment involved a review of the implementation process for the transition to a fully paid ambulance service in the metropolitan area, organisation and management structures, ownership and rights of use of assets used for providing an ambulance service, service standards, fee policies, performance guidelines and the handling of industrial issues. The steering committee also assessed the relevance of existing legislation covering the provision of ambulance services in South Australia.

As part of the comprehensive assessment, extensive consultation was undertaken with interested parties.

The consultant recommended and the Government accepted that ambulance services should be provided by a new entity, which will be a joint venture between the Government and the Priory, as equal partners, to be known as the S.A. St John Ambulance Service Inc. The agreement between the Government and the Priory will be formalised in the 'Heads of Agreement' document. General agreement on principles such as continuity of employment of existing employees and access to existing property and equipment has been reached and the document has been drafted.

The new body will be incorporated under the Associations Incorporation Act 1985 and controlled by a 10 person board constituted in accordance with clause 12. The proposed rules of association require that all directors have proven management skills and that at least one be a legal practitioner and one a person with proven financial skills.

In order to achieve the necessary degree of public accountability, the accounts of the new ambulance service will be audited by the Auditor-General and audited accounts along with a report of the ambulance service's activities will be tabled in Parliament each year.

Considerable thought has been given to the operation of the new service and a document setting out the principles governing the conduct of the new ambulance service has been prepared.

The existing Ambulance Services Act 1985 does not provide an appropriate legislative framework for the proposed new entity, and it is therefore necessary to repeal the existing Act and introduce new legislation to reflect the new entity's arrangements, licensing requirements and other related matters.

Following the introduction of a similar measure last year, some concern and confusion arose as to the apparent breadth of the definition of 'ambulance service'. The opportunity has been taken to clarify the definitions—it was never intended that community volunteer drivers, community buses, etc., would be caught by the legislation, and legal advice was that they would not be. However, in view of community concern, the new definitions make the intentions of the legislation more explicit. There is also a further power to enable a person who may be unintentionally caught by the provisions to be excluded by regulation.

Concern was also expressed at the apparent open-endedness of the licensing provisions. The concerns related to the ability to ensure the maintenance of high standards of service and the possible effects on existing ambulance services of any potential future licence holders.

The licensing provisions have therefore been redrafted and expanded to enable the Minister to take certain factors into account in deciding whether or not to grant a licence—

(a) that the person has the capacity to provide ambulance services of a high standard and is a suitable person to hold a licence in all other respects;

(b) the granting of the licence is not likely to have a detrimental effect on the ability (including the financial ability) of an existing licence holder to provide ambulance services of a high standard. Conditions may be attached to the licence.

Under the existing legislation, a number of country independent services are licensed and will continue to be under the Bill. Indeed, the Bill now contains a transitional provision 'grand-fathering in' existing licence holders for 12 months. If some of them decide to amalgamate with St John during that time, there is provision to surrender their licence, but the transitional provision has been included to guarantee the stated intention that the Bill would not be used as a device to abolish them.

A new provision has also been included to clarify the situation whereby an unconscious patient is transported to hospital and subsequently disputed the need to pay the bill on the basis that they had neither called the ambulance nor consented to the transport. The Bill makes it clear that the patient is liable for the fee, whether or not he or she consented to the provision of the service.

The Priory has endorsed the Bill and I commend the Bill to members. I seek leave to have the detailed

explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals the Ambulance Services Act 1985.

Clause 4 provides interpretation of terms used in the Bill.

Clause 5 makes it an offence to carry on the business of providing ambulance services without a licence. Paragraph *(b)* enables a person who is unintentionally caught by the provision to be excluded by regulation.

Clause 6 provides for the granting of licences by the Minister. The Minister must not grant more licences than the need for ambulance services can support (clause 6 (1) *(b)*). The term of a licence may be limited or unlimited (clause 6 (4)).

Clause 7 provides for conditions to be attached to licences.

Clause 8 provides for revocation of licences.

Clause 9 is a delegation provision.

Clause 10 provides for an appeal to the Administrative Appeals Court from decisions of the Minister or his or her delegate.

Clause 11 provides for the formation of S.A. St John Ambulance Service Inc.

Clause 12 provides for the constitution of the governing body of the association formed under clause 11.

Clause 13 provides for the establishment of an advisory committee.

Clause 14 requires the Auditor-General to audit the accounts of the association. Subclause (4) removes the accounting and auditing requirement of the Associations Incorporation Act 1985. These are not required in view of the other provisions of this clause.

Clause 15 obliges the association to provide the Minister and the Priory with a report in respect of each financial year.

Clause 16 restricts the borrowing and investment powers of the association.

Clause 17 provides for the fixing of fees and makes it an offence to overcharge. Subclause (4) provides that the patient is liable for the fee even though he or she has not consented to the provision of the service. This provision is needed where an ambulance service is provided in an emergency. Subclause (5) provides for the disclosure of the identity and address of a patient to enable recovery of the fee.

Clause 18 is a holding out provision.

Clause 19 provides a general defence.

Clause 20 provides for the making of regulations.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 449.)

The Hon. DIANA LAIDLAW: With reservation, the Liberal Party supports this Bill, which addresses the issue of prevention of graffiti vandalism on STA services and property; in fact, we have many reservations about this Bill. In April this year, when this Parliament was debating the Summary Offences (Prevention of Graffiti Vandalism) Amendment Bill, it passed a number of measures which increased the penalties for acts related to graffiti vandalism.

For instance, we created two offences in relation to carrying graffiti implements. We made it an offence to carry a graffiti implement with the intention of using it to mark graffiti. We also made it an offence to carry prescribed types of graffiti implements without a lawful excuse in a public place or when trespassing on private property. The penalty for both these offences in relation to this Summary Offences (Prevention of Graffiti Vandalism) Amendment Bill was a division 7 fine or a division 7 imprisonment.

I note that this Bill also proposes to increase the fines for damaging or marking graffiti on STA property or for possession of a graffiti implement to a division 7 fine or division 7 imprisonment, or both. Those penalties are a substantial increase from those within the present Act. I refer, for instance, to section 25 of the present Act, which provides that a person must not damage or deface property of the authority, and the fine in such instance is a division 9 fine, which amounts to $500.

So, essentially this Bill repeats the provisions that we passed in this place under the Summary Offences (Prevention of Graffiti Vandalism) Bill in April this year. Many people with whom I have consulted have questioned the need for this Bill in terms of the offence of damaging or marking graffiti on STA property when we now have similar provisions under the Summary Offences Act. It could well be argued that those provisions under the Summary Offences Act are simply being repeated in part of this measure before us at present.

We have reservations about this Bill also because it seeks to increase substantially the power of authorised officers, but there is no definition in this Bill of 'authorised officer'. In fact, the Minister has introduced two Bills at the same time, both relating to very similar matters: first, the State Transport Authority (Authorised Officers) Amendment Bill and, secondly, the State Transport Authority (Prevention of Graffiti Vandalism) Amendment Bill.

I would like the Minister, when responding to this second reading debate, to tell the Council why she has chosen to introduce two Bills to address essentially the same matters. Why do we not have the one Bill, especially as this Bill is dependent on a Bill which contains a definition of 'authorised officer' which we have yet to debate? If we are to have two Bills, we should certainly debate the Bill that contains the definition of 'authorised officer' before this one relating to the prevention of graffiti vandalism.

I am confused about why the Government has chosen to deal with this matter in this rather laborious process. I suspect that perhaps two Parliamentary Counsel were dealing with it, and that the Government or Parliamentary Counsel should get its act together because it seems to be a waste of time and energy to be addressing these matters relating to the State Transport Authority in this manner.

My third concern is that, when we were discussing graffiti vandalism matters in general in April, the Attorney-General emphasised that the Government was looking at a whole range of offences and penalties in relation to juvenile crime and that the Select Committee on Juvenile Justice was also considering penalties as part of its deliberations. I am not too sure why we have these two Bills before us at the present time, before the Select Committee on Juvenile Justice has reported, and why these matters in this Bill, particularly as they are so draconian in their range and impact, are not being discussed as part of that package of juvenile justice

reforms. I should appreciate getting some response from the Minister on that matter.

I am particularly concerned about the fact that the Minister's second reading speech dwells on 200 or 300 teenagers whom she identifies as being a hardcore element who have shown considerable resolve in defacing State Transport Authority property. However, the Bill is not confined to 200 or 300 teenagers (in fact, it is not confined to teenagers at all): rather, it ranges over the whole population, irrespective of gender or age. That is one of the chief concerns the Liberal Party has about this Bill, that is, that it has such wide-ranging impact when the Government is seeking to target a very small number of a people, notwithstanding that that very small number of people are causing untold damage, psychologically and physically, to the system at present.

The Bill proposes to deter graffiti vandals from having in their possession graffiti implements whilst they are on STA property or vehicles. To realise this end, it also proposes that authorised officers will be able to search the clothing and baggage of suspect persons.

An authorised officer must have reasonable cause to suspect that a person is carrying a graffiti implement or has used a graffiti implement for the authorised officer to search the person's clothing or baggage for any such implement or to seize any such implement in the person's possession. Proposed section 25a relates to search for, seizure of or forfeiture of graffiti implements. I believe that all measures proposed by this Bill are draconian and very subjective. For instance, clause 4, enacting section 25 (3) *(a)*, allows the authorised officer to judge whether a person who has purchased a spray can or marking pen is carrying the implements home for a hobby project and whether that person is doing so with or without lawful excuse.

That is a considerable worry, especially as the apprehending officer is not to be a member of the Police Force and as there are minimal protections in this Bill for a member of the public, who should be considered innocent until proven guilty. It is also a concern to many youth organisations to which I have spoken. They fear the prospect of innocent kids being searched by bullying transit officers, but this Bill is not confined merely to innocent kids: any innocent person could be subjected to a search by a transit officer.

That search includes a body search or the frisking of a person whom the transit officer believes with reasonable cause has used or is in possession of a graffiti implement. In civil libertarian terms, these are quite frightening measures. Whilst not defined in this Bill, the authorised officers who will be able to undertake such a search and who could seize such implements are officers without the full training of a police officer. They are not fully trained and sworn police officers but officers with limited training who, whilst being under the supervision of the Police Force, do not have the four or five years experience one gains from the full training.

I am not sure why the Government has not included in this Bill a provision to make it an offence for a person who hinders a police officer searching or seizing a graffiti implement. Under proposed section 25a, a person will be guilty of a division 7 fine or division 7 imprisonment or both if he or she resists the police officer's orders in respect of the possession of such an implement. It seems to me a contradiction that, where a person resists a search or the seizure of an implement by a police officer, there is no penalty for that resistance. That adds to the contradictions in this Bill.

A further contradiction is the fact that, under the authorised officer legislation, which provides powers of arrest under clause 23a, there are provisions for where a person fails to state name, address or date of birth or where a person produces false evidence of name, address and date of birth. So, there are inconsistencies between the two Bills and the powers that the Government wants to extend to authorised officers for various new offences. The Liberal Party believes strongly that, in respect of this search for and seizure of graffiti implements, there should be an intermediate stage, and we will be moving amendments to provide that, where an authorised officer has reasonable cause to suspect that a person has used or is in possession of a graffiti implement in contravention of this Act, the authorised officer may request the suspect to empty his pockets, essentially, so that he can identify which graffiti implements he has in his possession.

If a person refuses to empty his pockets at the request of the authorised officer and defies the authorised officer's request, will the authorised officer then have the authority to search that person's clothing or baggage for any such implement and to seize any such implement in the person's possession? We want an intermediate clause. We respect the fact that in supermarkets the staff has the capacity to search a shopper's bags or even his or her person for goods stolen, and some may argue that, because that power of search is acceptable within a retail outlet to avoid shop stealing, it is also acceptable here.

Others would argue, as they have to me, that quite different circumstances prevail in a retail outlet from an STA service, because the STA service is not essentially selling goods that can be lifted. However, those 'goods', on STA services, can be destroyed by graffiti vandals, and all of us in this place and in the State generally know the havoc that has resulted on STA buses, trains and trams in recent years through the activities of graffiti vandals. I believe strongly that this is one reason, albeit not the sole reason, why the patronage of STA services is declining. People fear for their safety and security, and they feel uncomfortable in such dirty and marked environments.

I will also be moving amendments to introduce a sunset clause of two years, an important initiative, so that, if this Bill passes, we have two years in which to assess the impact of the measure. I state again that this Bill is frustrating to debate at this time because we do not know the fate of the authorised officer legislation that is also before the Parliament. The authorised officer legislation proposes to give transit officers on STA services full police powers in relation to those services, yet without the training any sworn officer would receive.

We believe that the nature of the search provisions in this Bill, the fact that they would be conducted by semi-trained officers with police powers and the fact that these search provisions are not available even to fully trained and sworn officers are reasons to introduce a sunset clause of two years.

I am also keen to move an instruction to amend the Police (Complaints and Disciplinary Proceedings) Act to include transit officers. At present, that Act only relates

to fully trained and sworn members of the Police Force, and special constables, I understand, but not transit officers. If transit officers, now under the State Transport Authority (Authorised Officers) Amendment Bill, which is also presently before Parliament, are to be given considerably wider powers to police the STA service, they should also be subject to the disciplinary provisions of the Police (Complaints and Disciplinary Proceedings) Act. This is one measure that I hope will reassure members of the public that we are not allowing transit officers to run amok in terms of their powers on the STA system.

I would highlight another problem that I see with this Bill: it relates to the interpretation of property of the authority (section 25 (4)). This definition of property of the authority has the potential to cause further difficulties in the administration of this Bill. It may not be obvious to an authorised officer whether the property that is being marked or the property on which an alleged offender is present is in fact property of the authority or not. The Bill therefore creates a law concerning marking graffiti on STA property which is different from that which applies to marking graffiti on any other property, or indeed on any private property, in this State. That exception made for STA property is something that is quite hard to accept, because, surely, marking graffiti on any property should be an offence. This issue of the interpretation of property of the authority also creates questions of jurisdiction, as an authorised officer's authority is to be limited to STA property, not all property.

Generally, these difficulties that I have outlined in respect of definition clauses or interpretation clauses in terms of the powers of authorised officers and in terms of the range of additional activities with which they can be associated reinforce my view that in the longer term the preferable way for the Government to go in order to provide for a safer and cleaner public transport system is to increase the use of existing enforcement procedures, and that is, to use the police to police the STA system and to use the existing law—and not to make an exception for the STA.

I understand that in Victoria, since the election, steps have been taken whereby all transit officers who are members of the ARU are now being approached to see whether they will join the Police Force in that State or, if they do not wish to apply for such a job, whether they can be offered redeployment in other work. I believe that what is happening in Victoria will be reflected in all other States in the next few years as they see increasingly that isolating public transport services from all other policing services, and giving specific attention to STA services and properties, as we are in this Bill, is not a satisfactory way to proceed in terms of general policing of these matters and that we should not be distinguishing STA property and services from all other public property. An offence that occurs on STA property is just as bad as an offence that occurs on any other public property.

So I indicate that, with considerable reservations, the Liberal Party is prepared to support this Bill and that we have a range of amendments to restrict the ambit of the Bill to a two year period, and also to restrict the powers of the transit officers and to ensure that there is plenty of opportunity for any person who has a grievance in respect of the conduct of a transit officer to have recourse under the Police (Complaints and Disciplinary Proceedings) Act.

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

STATE TRANSPORT AUTHORITY (AUTHORISED OFFICERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 450.)

The Hon. DIANA LAIDLAW: As I indicated when speaking to the State Transport Authority (Prevention of Graffiti Vandalism) Amendment Bill, I believe that this authorised officers Bill should have been addressed prior to consideration of the other Bill. The State Transport Authority (Authorised Officers) Amendment Bill seeks to provide authorised officers, designated as transit officers by administrative instruction, with additional powers to maintain law and order on STA property and vehicles. At present, the STA Transit Squad numbers 80. Of that number, there are seven members of the Police Force, 17 special constables and 56 transit officers. In addition, there are 13 security guards, whose principal role is to patrol and monitor depots and stabling areas, plus a further 11 employees who are involved in the administration of security services, that is, inquiry work, prosecutions, lost property, etc.

Currently, transit officers derive their powers both from the regulations under the STA Act, as authorised officers, and from section 76 of the Summary Offences Act. The Bill proposes that, where an authorised officer has reasonable cause to suspect that a person is committing or has committed an offence, they have power, first, to require that person to state their name, address and date of birth and, secondly, to detain the offender in appropriate circumstances. If the power of detention is exercised, the Bill requires that transit officers must inform a member of the Police Force and then deliver the alleged offender to the police at the earliest opportunity. The supervisory role of the police is to be reinforced, according to the Minister's second reading explanation, by the inclusion of a specific provision that transit officers must comply with any lawful direction of a police officer in the execution of his or her duties.

That is a general summary of the provisions of this Bill. I would note that the same Bill was introduced into the House of Assembly on 4 May. I severely question the Government's commitment to addressing the safety and security problems on the STA system. It was introduced on the last day of the previous session; we have been meeting in the current session since 8 August and we are now at 27 October, and so for two months at least the Government has been sitting on this Bill. The Government has had plenty of opportunity to consider this Bill, had it really been earnest about the problems on the STA system, and the Opposition would have sought to facilitate its passage. Anyway, the Government has not chosen to do so, and thus I do question its commitment to address these issues as promptly as the community would demand, and, I suggest, as taxpayers would

demand, because the issue of graffiti vandalism is costing taxpayers a great deal of money in terms of cleaning up graffiti on STA services and also in endeavouring to prevent graffiti at depots and the like. It is also apparent that this Bill will be helpful in overcoming many of the frustrations that are currently being experienced by transit officers in their endeavours to police the transport system.

I have a number of concerns about this Bill because it does not require an authorised officer to adopt or follow any of the established protections for individual rights that are required to be followed by police officers generally. For instance, there are no provisions in relation to identifying properly an authorised officer in terms of a photo card or a serial number, to warning a member of the public of their rights upon apprehension, or to imposing an obligation on an authorised officer to specify the offence with which the person may be charged. Also, the Bill does not clarify what are the circumstances if a transit officer does not contact immediately a member of the Police Force or does not deliver as soon as practicable the alleged offender to a police officer.

All those omissions are unacceptable in a Bill of this nature when we are extending the powers of authorised officers, officers who do not have the same training as police officers but will have, on the STA system at least, the same powers as police officers. The Liberal Party believes, in fact we insist, that these matters be addressed. Therefore, we will be moving amendments to this Bill to include the provision of rights upon arrest as covered in the Summary Offences Act. These provisions which are incorporated in the Summary Offences Act relate to where a person is apprehended by a member of the Police Force, and in terms of our amendments that would be with respect to an authorised officer.

We are seeking to provide the apprehended person with the opportunity to make a telephone call to a nominated relative or friend so as to inform the relative or friend of his or her whereabouts. Where the person is apprehended on suspicion of having committed an offence, the person is entitled to have present a relative, friend or solicitor. If the person's native language is not English, we are seeking to provide that that person is entitled to an interpreter if he or she requires that assistance at an interrogation. Where the person is a minor and that minor has been apprehended on suspicion of having committed an offence and does not nominate a solicitor, relative or friend to be present, arrangements must be made to ensure that there are other people present at times of interrogation or investigation, including a person nominated by the Director-General of Community Welfare. We would like to see a whole range of other provisions to protect peoples' rights.

Our determination to see similar provisions that are currently in the Summary Offences Act incorporated in this Bill is an indication of the depth of our reservations about some of the provisions the Government is proposing in this Bill. It is also important that we address the issue of penalty if a transit officer does not immediately make contact with a member of the Police Force or does not immediately deliver the alleged offender to a police officer as soon as practicable.

I believe that the Bill will also help to overcome some of the current tensions in the Transit Squad arising from the fact that the STA and the Police Department at present share management responsibility for the squad. In my view this problem will never be fully resolved until the authority for the Transit Squad is transferred to the Police Commissioner—and I know that this is a matter of some concern and debate within the STA at the present time. I also understand that the 17 special constables working the STA system have been to see the Minister about this matter in recent times.

The issue of special constables is one I want to explore with the Minister because it would seem to me that, now that the Government is seeking to extend the powers of transit officers or authorised officers, there is no reason to maintain the distinction of special constables within the Transit Squad operation with respect to STA services. Special constables have wider powers than those being proposed in this Bill for authorised officers. Special constables have full police powers to operate anywhere in the State, not just on the STA system. I believe that all that is needed at this time it to provide transit officers as authorised officers with police powers and confine them to the STA system: we should not continue in the longer term with this arrangement of special constables. In fact, I understand that the Police Commissioner has refused to swear in any more special constables for the Transit Squad, but I am unsure what the Government proposes to do in terms of maintaining these special constables on the STA system as employees of the Transit Squad, or whether the Minister proposes to phase out these matters.

I have indicated that I will be moving, on behalf of the Liberal Party, a number of amendments to this Bill. There will be one further amendment, and that will be to incorporate a two year sunset clause, and that provision is similar to one I will be moving at the Committee stage in the graffiti vandalism legislation (which is also on the Notice Paper).

I would be particularly interested to know from the Minister, when she sums up this debate or during the Committee stage of this Bill, what is the Government's policy with respect to Aboriginal patrons of the STA system. This matter has been brought to my attention again and again in terms of the services between Adelaide and Gawler and Adelaide and Noarlunga. I do not wish to be accused of being discriminatory by raising this matter in this place, but I assure the Minister that we should all be very clear of what the policing arrangements are with respect to alcoholism and unruly behaviour by all people, including Aboriginals, on STA services.

As I have said in this place before, it would appear that, when it comes to an Aboriginal committing some of the offences that are making travel on public transport quite unattractive and deterring people from travelling on STA services, there is one law for Aboriginal people and one law for everybody else in the community in terms of the administration of the law. I would like to explore that matter with the Minister. Generally, I would like to explore this issue of drinking on STA services.

At some stage I would like to know what the Minister proposes to do about the issue of smoking on platforms and other STA property in general. When I was overseas in June I noted that smoking was not prohibited on any public transport authority property in the United Kingdom or Singapore but in France it was and the stations were filthy. I have been to a number of stations in the

Adelaide area, certainly they have been cleaned up. I would be interested to know what the Minister's policy is in this respect. While I am a smoker myself, the current zeal by the Government to stop smoking wherever we can possibly breathe is certainly well known and I wonder about the extension of such a policy on STA property. Again I note that, with reservations, we support the second reading of this Bill.

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

FRUIT AND PLANT PROTECTION BILL

Adjourned debate on second reading.

(Continued from October 20. Page 495.)

The Hon. PETER DUNN: The Opposition supports this Bill which is a rewrite of the old Plant Protection Act and which brings in a new definition whereby disease and pests come under the single definition of disease. Previously we had a separation in that definition with modem technology and the ability to control some of these diseases and pests it has become less significant that they are defined individually. There is no doubt a pest carries disease and generally that is the case.

The fruit fly in fact is a pest. It is the maggot of the fruit fly, or its pupae state, that causes the problem, and there are other diseases that introduce bacteria into plants which cause disease. I cite the case of dieback in Western Australia, where the disease was phytophthora and that was transported by soil. When that soil was carted on car or truck tyres, by boots, or whatever, it carried with it this disease phytophthora which then attacked the trees and caused what is commonly known in south-west Western Australia as dieback in the magnificent hardwood forests. That disease would come under this definition, and I presume that we would not want the transfer of soils from that area because it may in fact affect South Australia.

Even though it is a rather lengthy Bill, it is picking up what the former Act dealt with and brings it up to date, into modem language and into a form that is acceptable today to the people that it is affecting: the fruit growers, the horticulturists and the general public. This Bill not only affects the horticulturists but also affects the general public in the fact that it picks up the Fruit Fly Act. The Fruit Fly Act has been an important Act for South Australia. The Hon. Peter Arnold in another place talked about absolute proof, but the fact that we have fruit fly blocks in South Australia means we are able to reduce the cases of fruit fly in South Australia.

Horticulture in South Australia is an important industry. It supplies the local market, which is quite significant, and is therefore much different from broad acre fanning. It supplies what we call a home consumption market. The small excess of what is produced is generally the product itself and decays rapidly, and there is a limit to how much of that can be sent overseas. But we do like to have the ability to sell a product overseas to improve the export dollar for South Australia. What happens in the horticultural industry is that you do have gluts and periods when there is not so much product, but in those years of glut we do like to be able to get into the export market. That will become more important as we develop our trade with the Asian markets.

I do not know of any Asian market that would have a problem with the consumption of fruit. We do have problems with meat. We do sometimes have problems with our grain but we certainly do not have any problems with most of the horticultural products. So, we want to retain that ability to sell overseas, and some overseas countries will not take fruit that has been infected with fruit fly, even though they may have it in their own countries. So, it is important that we retain that barrier at our borders for the stopping of fruit fly, and we all know how distasteful fruit that has been infected with fruit fly looks.

The other issue that is picked up in this Act, particularly under the schedule, is the fact that South Australia is deemed to be phyloxera free. Phyloxera is an interesting subject. It is an aphid, and we generally think that aphids fly around and attack our clovers, medics and roses. You see them in a lot of garden plants. But phyloxera is an aphid that actually lives underground and attacks the root system of the vine. When it does that it debilitates it to such a degree that it cannot produce properly. The vines in the riverland areas of Victoria were totally knocked out in the late 1890s and the early part of this century.

There were some resistant varieties, and in the Rutherglen area particularly those very old vines produce small quantities of very valuable fruit because it is generally used for very sweet fortified wines. I am told that some of the best fortified wines come out of that area, which was devastated by phylloxera some years ago.

In South Australia we produce about 60 per cent of Australia's wine, and the wine industry is very important to this State. It is one industry that we want to expand because we are fording more and more overseas markets that will bring in more export dollars and will raise our standard of living quite dramatically. That is what we must produce. Unfortunately, the Governments that we have had in the past 10 years in Australia, particularly in South Australia, have not been very interested in that part of the world. They have not looked at exports of any consequence or given any encouragement or assistance to those who export, whether they be in secondary industry or, as in this case, primary industry.

So, we have had a rundown in that area, and that is part of the problem with our balance of payments and our standard of living, which has fallen so dramatically. As has been pointed out rather recently, by world standards the Japanese were about three quarters of the way up the scale in 1958, and we rated at about 90 on a scale of 100. We are now at about 75 on that scale and the Japanese are on about 120. Shortly we will be passed by such places as Taiwan and South Korea in relation to standard of living. This is because we have lost the incentive and technique to export.

One of the bright spots in that export industry is wine. We must be into it and promote it but, if we have an industry that is weak and pallid because of phylloxera or disease, we will not be able to do that. This Bill is important in that respect. The Bill gives power to

inspectors which, on the surface, appear to be draconian but which are necessary.

Fortunately, the Graham Gunn amendment has been included in this Bill whereby those inspectors must be responsible for reasonable activity when they go onto a property so that they do not use abusive language and act in a manner that is acceptable to all and sundry.

The Bill contains a dob-in clause where a person who knows or who has reason to suspect that fruit or plants owned by a person or persons in possession or control are affected by the disease. That person must report those people. That is a dob-in clause, and I suppose it has been in the Bill before. I guess that it is acceptable. However, I do not like dob-in clauses, but they are necessary sometimes because a number of people in the community—and I particularly cite urban and rural dwellers—get fruit fly on their property but, not having seen it before, do not know what to suspect. However, somebody else picks it up and notices it. It is right and proper that they be informed or the problem reported.

Another problem exists with the introduction of plants, fruit or whatever into the State by people of other ethnic origins. Our community has varying ethnic backgrounds, which is rather beaut. I like the things that they have brought to our nation and country to make our life more colourful and different, but they have a habit of bringing with them some of the things that needed to be part and parcel of their life in their own home country. Sometimes they bring these things in because they are not available in Australia, but they believe that they should be, and sometimes they will go to extraordinary lengths to bring in products that perhaps—

Members interjecting:

The Hon. PETER DUNN: Yes, I am including everyone. This Bill covers all that. The Bill is not retrospective and therefore does not deal with anything that has happened in the past; rather, it deals with problems that may occur in future. The Bill is trying to stop the introduction of disease and problems.

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: The Hon. Mike Elliott may interject and be cynical about what has happened in the past. However, from day one the Bill has had nothing to do with the past. If it has been deficient in its ability to control disease, maybe it will now do so. I am pointing out the history of and reasons for the Bill. We still have an immigration program which brings in particularly Asian people who may wish to introduce foods which they like and to which we may not have been introduced. In so doing, they may introduce pests and disease that could devastate some of our crops.

The Hon. T. Crothers interjecting:

The Hon. PETER DUNN: The Hon. Trevor Crothers interjects. Perhaps he brought in those potatoes from Ireland. We remember that it was because of the demise of the potato in Ireland that many of the Irish came to Australia. It was a good thing—they have always added a bit of colour to Australia, and there are many Irishmen in Australia. Maybe the Bill works in reverse in Ireland, but we are trying to stop it devastating what could legitimately be an export industry in Australia.

The question of the Crown's liability if it exempts a person bringing in a new cultivar or disease to use for experimental purposes has been raised. Perhaps the Minister could answer that, although she may have to give me an answer in writing later. The question was asked in another place, but I am not happy with the explanation that was given because quite often the research institutes do bring in different cultivars. To cite a couple of recent cases, biological control agents were brought into South Australia to control what is commonly called Pattersons curse or Salvation Jane. We also brought in biological control agents to control aphids, and in Victoria a large building was constructed in which to keep live vaccine to control foot and mouth disease, rindapest or rabies if there was an outbreak of those diseases in Australia. If the Minister gives an exemption in that case, who is liable?

Perhaps that answer can be given to me in writing by the Minister. I do want to delay the Bill, but that matter needs answering. Apart from that, the Bill is straight forward in all that it deals with. It does encompass the Fruit Fly Act, and it takes on the responsibilities of the Department of Agriculture in controlling fruit fly in this State.

I did have a query about the fines that were imposed. Most of them are division 7 fines so that, if a person was found and convicted, it would attract a penalty of six months imprisonment and a $2 000 fine. South Australian farmers have said to me that they would have liked to see that penalty set at two years and $8 000, which is a division 5 fine. We have looked at that, and we believe that is a bit draconian, given that a person may be innocent.

The Hon. M.J. Elliott: You can't be fined if you are innocent.

The Hon. PETER DUNN: If you are truly innocent, you would not be fined, but people will make mistakes, for example, by introducing a salami. They should have known the Act, but if they did not and were convicted that would be a reasonably severe fine. The fine which aligns with the present Act, the division 7 fine, is adequate. I have not heard anyone complain about it, other than the Farmers Federation, so I bring the matter to the Minister's attention.

The Bill is a rewrite; it is put into modem language. It involves such issues as the Fruit Fly Act. It does amend the Phylloxera Act of 1936, which we amended in about 1987. It does allow people to bring in cuttings so that experimental work and resistant varieties can be established within this State. The Bill is quite reasonable. I have not heard any objection from the people it affects, so the Opposition supports it.

The Hon. M.J. ELLIOTT. The Democrats support the Bill. A couple of matters have been brought to my attention on which I should like a response from the Minister. I was expecting to receive a few other questions, but they did not arrive today. I hope that tomorrow the Minister will have an adviser with her so that during the Committee stage some of those questions may be addressed as well.

People in the horticultural field have expressed to me support for the legislation, and they want two questions answered. The first of those relates to dealings between States. It is believed that it ought to be possible to accredit responsible people in the industry to issue area freedom certificates, with no technical inspection being

needed, just to certify that the produce does come from the area. The people working in the appropriate area in the department will understand what that is about.

A further matter of concern for the horticulturists relates to the working conditions of inspectors, and they argue that there is a need for reform. Most inspections of fruit need to take place after hours and, therefore, incur the extra costs of overtime penalties. In effect, inspectors often start work and have very little to do during parts of the day, are then called in after hours when they do their real work and, of course, they are being paid for overtime. That significantly increases the cost of fruit and plant inspection.

To lower the costs associated with regulation, it has been suggested that the award salary of inspectors should be changed to ensure that they are on call when needed at a reasonable cost. I certainly welcome the Minister's response in relation to that. As I indicated, I expected to raise a couple of issues, but I did not receive the fax that I expected today, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 5 p.m. the Council adjourned until Wednesday 28 October at 2.15 p.m.