HOUSE OF ASSEMBLY

Wednesday 8 March 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

HOSPITALS DISPUTE

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: Continuing industrial action by the Miscellaneous Workers' Union in South Australia's health system is not in the public interest. For the past two weeks the Miscellaneous Workers' Union and some of its members have chosen the path of industrial action in the hospital system as their method of pursuing a $68 per week wages claim and an associated claim for Federal award coverage.

The Government has been negotiating this wages claim in the public sector in good faith since 28 June last year when I met with representatives of the United Trades and Labor Council. Since that date, the Government and its negotiating officials have held numerous meetings with the negotiating officials of the United Trades and Labor Council and their public sector trade union affiliates which include the Miscellaneous Workers' Union. During the course of these negotiations, the Government made a series of substantial concessions to settle the wages claim. These concessions and negotiations were conducted within the terms of the enterprise bargaining framework agreement to which the Government and trade union affiliates of the UTLC were a party.

The Government moved from an initial position of no wage increase because of the financial cost to the State to a position of a 2 per cent wage increase and then a $10 wage increase with departmental and agency budgets supplemented to accommodate that increase. The UTLC responded to this position on behalf of its affiliates by indicating that a $15 per week wage increase with two $10 per week second and third round increases would settle the wages claim.

In November last year, the State Government again increased its offer to a $12 per week supplemented increase. Following further negotiations in late November and December 1994, the State Government made a final offer of a package increase of $35 per week payable over a period of 18 months with a first increase of $15 per week, with agency budgets supplemented for that increase, and two subsequent increases of $10 per week with the capacity for the second and third increases to occur through additional productivity gains. I point out that if those productivity gains were not achieved it would have meant personnel reductions.

In making this final offer on 21 December last year, the State Government also mirrored the claim which had been made by the UTLC. That offer was made by the Government in good faith even though it would in 1995-96, its first year of operation, have had a financial cost to the Government of $70 million. When the Government's offer was conveyed by the UTLC to its affiliates, the major trade union affiliate in the South Australian public sector, the Public Service Association, recommended to its members acceptance of the Government's offer. Members of the PSA met on 13 January and, on the recommendation of their union, accepted the Government's offer. Subsequently, other unions such as the Association of Professional Engineers, Scientists and Managers and the National Union of Workers have indicated that they would accept the Government's offer.

Other unions operating in the South Australian public sector such as the Australian Nursing Federation, the South Australian Institute of Technology and the Miscellaneous Workers' Union have rejected the Government's offer. It is interesting to note that each of these unions has either moved out of the South Australian industrial relations system or are trying to do so. Unfortunately, their union officials have recommended rejection of the Government's wages offer in an environment clouded by their pursuit of Federal award coverage and their reluctance to be seen to be making agreements under the State industrial relations system.

The Miscellaneous Workers' Union has chosen, at a late stage in the negotiations of this wages offer, to depart from the UTLC's stated framework position of an immediate $15 wage increase and has claimed an immediate $20 per week wage increase as part of a total package of increases of $68 per week. Moving the goal posts at a time when Government had negotiated in good faith the high watermark of its position was almost inviting rejection of the claim and has led to current dispute. Nonetheless, the State Government has indicated a willingness to continue a program of negotiated enterprise bargaining with the union.

However, in the last week the union has demonstrated a distinct lack of genuineness in attempts to negotiate an outcome to this dispute. First, the union has chosen to take protected industrial action under Federal laws and maintain work bans during negotiation. Secondly, on Monday this week the union announced that it would escalate industrial action throughout the public sector and ignored attempts by the Australian Industrial Relations Commission to conciliate a settlement which would have required the union to justify its claim in a process which the union itself suggested to the commission last Saturday.

Thirdly, the union yesterday rebuffed a direct approach by the Government, through me as Minister for Industrial Affairs, that the Government would consider any justification which the union can present for its wages claims and have that additional material immediately considered by State Cabinet. Finally, late yesterday, the union issued proceedings in the Australian Industrial Relations Commission claiming that it wanted to terminate the enterprise bargaining period and that negotiations had, in its view, come to an end.

Throughout the course of this dispute, the Government has acted with goodwill and with restraint. These latest developments, and in particular the union's rebuff of the Government's genuine approach yesterday, have given the Government no option but to exercise its rights as an employer to take protected action under the same Federal Industrial Relations Act, which the union has relied upon for its protected industrial action. As a consequence of these developments and its consideration of these options, the Government has decided that from this afternoon notices will be issued to the Miscellaneous Workers' Union and employees in the health sector affected by the union's claim that the Government will exercise its rights of protected action under section 170PG of the Industrial Relations Act 1988.

This right of an employer to take protected action is a key element of the Federal Act's scheme designed to create a level playing field between unions and employers during an enterprise bargaining period. The objective of these notices is to advise all employees that they are required to undertake

the full performance of all their duties of employment. Those employees who perform their full range of duties from the time this protected action commences will be unaffected by these notices. However, those employees who choose to continue with industrial action will not be permitted to work and will not be paid.

In accordance with the Federal Act, the Government will give the union and employees at least 72 hours notice of this protected action. The protected action will commence on Sunday 12 March 1995 at 11.30 p.m. The use of these powers under the Federal Act is not, as I said yesterday to this Parliament, the Government's preferred course of action. The union, however, has presented the Government with no other alternative. For that, the union must answer to its members. The Government has not lost sight of the fact that an ultimate outcome to the substance of this dispute, that is, the union's wages claim and its Federal award proceedings, must be achieved.

Exercising an employer's right of protected action in the same way as the union exercised its right of protected industrial action creates the necessary balance in the current bargaining process. However, that bargaining process requires both parties to act in good faith and for the union to provide the justification for its wages claim to the employer. The union's steadfast refusal to do so is not in the interests of achieving that outcome. Accordingly, the Government has also today asked the Australian Industrial Relations Commission to make an order that the union disclose in writing to the Government the information on which the union bases its claim for immediate wage increases. In seeking this order, the Government believes that the conciliation process under the auspices of the commission will be enhanced. The Government is committed to continuing that conciliation process throughout the entire period of this dispute, including both before and after the period of protected action that I have today outlined.

As an indication of the seriousness with which the Government views these developments, I have personally spoken in recent days to both the Federal Minister for Industrial Relations and the Secretary of the UTLC with a view to obtaining their perspective on the issues raised by this dispute. Indeed, it is ironic that for decades the South Australian hospital system has been relatively free of major industrial disputes during a period in which it has operated almost entirely under the South Australian industrial relations system. Within weeks of the union's taking action to move from the State industrial relations system into the Federal industrial relations system a major dispute of this type has occurred. That is in itself an indictment of the Federal Labor Government's industrial relations system.

The Government is heartened by the outstanding response of the South Australian community to the industrial dispute in the hospital sector. In particular, the work of the volunteers who have freely and willingly given their personal time to assist in maintaining service levels in the State's hospital system cannot be understated. The entire community owes a debt of gratitude to the spirit of goodwill amongst our volunteers. The Government also recognises the willingness of the hospital staff and management, including some members of the Miscellaneous Workers Union, who have ignored calls by their union to impose work bans and who attended to South Australia's health sector throughout the past two weeks and performed their full range of normal duties notwithstanding their union's call for industrial action.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the nineteenth and twentieth reports of the committee and move:

That the reports be received.

Motion carried.

QUESTION TIME

MORIKI PRODUCTS

The Hon. M.D. RANN (Leader of the Opposition): Has the Premier or his Government had any discussions with any person associated with the foreign company called Moriki Products, has any Government financial assistance been provided to this or associated companies and is the Premier aware of any financial interests Moriki has here in South Australia?

The Hon. DEAN BROWN: To my knowledge I have never heard of the name Moriki Products before. I can recall no discussions that I have had with anyone carrying a card with that sort of name or banner. I will thoroughly check that, because I want to ensure that the honourable member has a full and complete answer on this. But, to my knowledge the Government has no involvement with that company whatsoever. I find it interesting that the Leader continues to carry on about this in what appears to be a dredging process.

Members interjecting:

The Hon. DEAN BROWN: I point out to the House the sort of tactics that the Labor Party is using. I highlight what occurred during the 1987 election when the Federal Labor Party failed to disclose $2.3 million that was given to the Party. There is legislation requiring disclosure, and $2.3 million was given to the Labor Party—

Mr Ashenden interjecting:

The SPEAKER: Order! The member for Wright.

The Hon. DEAN BROWN: —which did not appear in its return at all. This came out in 1991. Of course, the key reason the Labor Party did not disclose it was that $950 000 of the $2.3 million came through Brian Burke's brown paper bag. This was finally revealed in 1991, and I am referring to an article that appeared in the *Advertiser* of 16 April 1991. Bob Hogg did admit, finally, that $2.3 million had been given and not disclosed. Of course, he had to admit it at this stage because the royal commission had exposed the fact that it had come through Brian Burke's brown paper bag. The interesting point here is that the Liberal Party has complied fully with the Federal Electoral Act, and there is no evidence that it has not complied fully. In fact, it has gone further than that and complied with it something like 15 months sooner than it needed to. In the last week we sat the Leader said that he was going to refer this to the Federal Attorney-General. I just ask him whether he has done so.

INTERNATIONAL WOMEN'S DAY

Ms GREIG (Reynell): As this is International Women's Day, will the Premier report to the House on the progress of Government initiatives to ensure that women are fully consulted on and able to contribute to Government policy?

The Hon. DEAN BROWN: One of the things that this new Liberal Government has done very quickly is to make sure that what I think has been years of neglect for women within the community are rectified as quickly as possible.

One of the initiatives we embarked upon immediately is the establishment of the South Australian Women's Advisory Council, which was established by the Minister for the Status of Women with the specific objective of making sure that it has a significant influence on Government policy and, at the same time, concentrating on key areas of need where that neglect of women's issues has occurred over many years.

The four key areas are: women and their representation, both in the Parliament and in the broader community, including on Government boards; women and the economy; and women and violence, and of course this Government has taken the unique step of introducing a Domestic Violence Act. That legislation is a first and highlights to people who carry out domestic violence that we treat domestic violence in the same category as any other violence in the community, and it will be dealt with harshly. I will not go through all the initiatives we have taken, but I think it is now seen as pioneering legislation in South Australia. Finally, this consultative group is looking at the role of women in rural industries and in regional areas of South Australia.

The downturn in rural industries over the past five or six years has probably had a bigger impact on rural women than on anyone else in the community. They are invariably the ones who have had to face the hardship of the lack of money within the home even to buy essential items like food and clothing. I am delighted to say that as a Government we have taken these initiatives. The other important initiative we have taken is to establish the breakthrough register, a register of women who can serve on Government boards, committees and in an advisory role. Very importantly, we have already something like 350 entries on that breakthrough register. I am proud of the fact that in 12 months this Government has had a major input in making sure that the community understands the role that women should have in the community.

The SPEAKER: Order! I point out to members that questions to the Minister for Industry, Manufacturing, Small Business and Regional Development will be taken by the Minister for Tourism, and questions to the Minister for the Environment and Natural Resources will be taken by the Minister for Housing and Urban Development.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's stated interest in full disclosure and in complying with the Federal Electoral Act, will he instruct Ms Vickie Chapman, President of the Liberal Party, to release the true identity of Moriki Products, a major contributor to the Liberal Party?

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. I think this question is remarkably similar to one that was asked previously. The record will show that the Leader of the Opposition has continually demanded that the Premier take action against a person against whom he has no right to take action.

Mr Atkinson: What is the Standing Order?

The Hon. S.J. BAKER: Repetition.

Members interjecting:

The SPEAKER: Order! Now that the House has come to order, the Chair will make a ruling. I cannot uphold the point of order because the question is not identical. It has some similar aspects to it. The Leader would be fully aware that the same question cannot be asked twice, and the Leader should also be aware that he has asked a number of questions on the subject and that he cannot continue to ask questions which are identical. The Leader of the Opposition.

The Hon. M.D. RANN: Thank you, Mr Speaker. My question related to the true identity of Moriki products. With your leave and that of the House I seek to explain the question.

The SPEAKER: Order! Leave is not granted.

The Hon. M.D. Rann: That is outrageous.

The SPEAKER: Order! The reason that leave is not granted on this occasion is that the Leader of the Opposition has persistently commented in asking questions. Therefore, in accordance with the ruling given by Speaker Trainer—

Mr Atkinson interjecting:

The SPEAKER: Order! I am tempted to name the honourable member for reflecting on the Chair. The Premier.

The Hon. DEAN BROWN: It would appear that the Leader of the Opposition has made a bit of a fool of himself this afternoon—

Members interjecting:

The Hon. DEAN BROWN: What is new? He has tried to dredge every possible and conceivable name into his question. He asked a question about a company called Moriki. I have never heard of the name, as I indicated in answer to his first question. In fact, we have done some checking very quickly and I am able to inform the House that Moriki was a company that donated to the Federal election campaign in 1993—not to the State election campaign at all. I am assured that no benefit whatsoever has been passed onto South Australia from Moriki. More importantly, this donation was made and declared.

As I said, we now have a Leader of the Opposition who has no new information at all today. He has gone back through some old electoral returns and tried to drag every conceivable company name that he can come up with into the House this afternoon. I point out that the donation from Moriki to the Federal election campaign did not flow through in any way to the State election campaign at the end of 1993.

COLLINSVILLE MERINO STUD

Mr BUCKBY (Light): Will the Treasurer inform the House of the progress being made to sell the Collinsville Merino Stud? With your compliance, Mr Speaker, and that of the House—

Mr Atkinson: Question!

The SPEAKER: Order! 'Question!' has been called. Had the honourable member completed his question? I understand that he was not at the stage of seeking leave to give an explanation.

Mr BUCKBY: Yes, I had.

The SPEAKER: The honourable Treasurer.

The Hon. S.J. BAKER: The standards being applied by the Opposition this afternoon are disappointing.

Members interjecting:

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Speaker. The member for Spence is constantly reflecting on your role in the Chair and is accusing us of bringing about the situation where the honourable member called 'Question'. I draw that to your attention and ask you to deliberate on the rules accordingly.

The SPEAKER: Order! Unfortunately, the Chair did not hear the comments and the Chair has endeavoured to make sure that the House conducts itself in an appropriate manner and that there is not continued discussion across the floor. I

will ensure that that course of action continues. The honourable Treasurer.

The Hon. S.J. BAKER: The member for Light has asked—or was going to fully ask—an important question—

The SPEAKER: Order! The honourable Minister cannot reflect on a decision of the House.

The Hon. S.J. BAKER: —about the Collinsville Stud. I was interested to read an article in the paper today which was under the header of Nigel Austin and which reflected on a contribution by Mr Phillip Wickham to the *Advertiser*. I was interested in the *Advertiser* article because I was unsure whether the person had established their *bona fides* before the journalist I mentioned went to press. The important thing about Collinsville—and members opposite would not want to be reminded about Collinsville—is that it reflects on where we have been in South Australia under the previous Government. To date the legal debt held by SAAMC (SA Asset Management Corporation) is $70.986 million. That was owed, including some $30.787 million worth of capitalised interest. It has been a sorry saga for one of our proudest studs, a stud that once enjoyed a world-wide reputation for providing the best breeding stock in the world.

The facts, as I will relate to the House, are as follows: Mr Wickham and his party attended at SAAMC on 24 January 1995. Mr Wickham was not known to SAAMC at the time but he had had prior conversations. He insisted on entering into a contract for the purchase of Collinsville there and then, claiming that he was going to China the next day and that the deal had to be done on that day or not at all. The offering price was some $9 million. SAAMC believed that, if this offer was made in good faith, it was appropriate to pursue it.

My office was contacted to determine whether there was a matter of public interest that had to be satisfied. I discussed the matter with Mr Wickham that night and said, 'Not only do I expect to find that you have financial capacity, but also I am absolutely adamant that Collinsville should remain as a key South Australian breeding establishment.' The *Advertiser* comment is not correct: I asked what were his intentions in terms of how he was going to run the stud. He made a number of positive statements to me at the time which indicated that the stud under his ownership, should that transpire, would not be used for breeding for international markets, which may be seen to be to the detriment of South Australia. That does not preclude trade in embryos or breeding stock because it is controlled at the Federal level. But I received a positive response from Mr Wickham.

The arrangement was that Mr Wickham agree to a settlement on 16 March of some $9 million, with a deposit of some $450 000 to be paid on or after 28 February 1995 by bank cheque. A key term of the contract was that the purchaser by 31 January, at my insistence, had to provide written evidence by letter from his accountant demonstrating net worth in excess of $9 million—in other words, a financial capacity. By 31 January the purchaser had failed to provide any such demonstration and, although several extensions were granted, the purchaser failed again to provide the required demonstration. As a result of my concerns about this lack of response, some investigation was undertaken and, on legal advice, the contract was terminated by letter on 3 February 1995 after the last extension had expired. Investigations showed that Mr Wickham had been a bankrupt from 1987 to 1992, but he failed to disclose this in his negotiations with SAAMC on 24 January.

On 28 February Mr Wickham attended the offices of SAAMC and was told that SAAMC confirmed its termination of the contract but that, if Mr Wickham could show objective evidence that he had a bank cheque for $450 000, SAAMC was prepared to continue negotiations. Mr Wickham refused or was unable to provide the objective evidence, and negotiations were terminated. The events as outlined in the *Advertiser* today did have some level of incorrectness, and I was surprised by the article.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier absolutely satisfied, now having read Ms Vickie Chapman's statement, that the donation of $100 000 to the Liberal Party came from funds owned by Catch Tim and that the company was not used to launder a donation from another source, either in Australia or overseas? Sir, with your leave and that of the House I seek leave to—

An honourable member: Question, question!

The Hon. M.D. RANN: That's fine. There is a grievance afterwards.

The SPEAKER: The honourable Premier.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. DEAN BROWN: The President of the Liberal Party, Vickie Chapman, has indicated in her statement that the Federal law has been fully complied with, which is different—

Members interjecting:

The Hon. S.J. Baker: Which is certainly different from the way you operate.

The Hon. DEAN BROWN: The other important point that comes through from reading the statement made by the Liberal Party President is that, under the fundraising rules put down by the Liberal Party, it has a standard by which it has to absolutely assure itself that no commitment can be given in terms of receiving that political donation. She has indicated that the Party had satisfied itself that, in receiving $100 000 from Catch Tim Ltd, there were no strings attached whatsoever; that it would have been grossly improper to have allowed any strings to be attached to it.

I indicated to the House yesterday that the Liberal Party had had a code for some 15 years, but I found out this morning from the Attorney-General that in fact that code was in practice more than 20 years ago. I also point out one very fundamental difference between our code and that of the Labor Party: under our code members of Parliament are not allowed to receive large donations, whereas we find that, in the latest guidelines put down for the Labor Party, members can receive donations of up to $3 000.

Members interjecting:

The Hon. DEAN BROWN: Yes, Labor members of Parliament, under their Party's rules, are allowed to receive $3 000. More importantly, their own declaration for the last State election shows that the shadow Attorney-General, the member for Spence, personally received a donation of $4 678.

Members interjecting:

The Hon. DEAN BROWN: Not only do we have a standard here that we are not allowed to receive donations—

The SPEAKER: Order! The honourable Premier.

The Hon. DEAN BROWN: On this side we cannot receive donations, but I was amazed to find that the member for Spence personally received $4 678 from the Shop Distributive and Allied Employees' Union, and then had the gall to stand in this House and violently oppose the Govern-

ment's legislation on any amendment to that Act, without declaring a conflict of interest. Here was the member for Spence receiving $4 600 from that union and then taking its line in this Parliament without declaring that conflict of interest. If the spotlight should be on anyone it should be on the Labor Party for failing to declare that interest.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON (Spence): If I could have his attention, I ask the Premier: will he ask Ms Vickie Chapman to reveal whether the letter from Catch Tim Ltd to the Liberal Party dated 6 March, which is on different letterhead from that used in the past by the company and does not carry the company's registered address, was drafted by Liberal staffers in Adelaide and faxed to the company for signature?

The Hon. DEAN BROWN: This is fantasy from the member for Spence, who has just been caught out for failing to reveal a conflict of interest while debating legislation in this Parliament. That is pretty serious. He personally receives $4 600 from a union and then specifically takes this stance in the House. I indicate to the honourable member that the President of the Liberal Party said that she was expecting a letter but that she was not aware of its content, and I presume that letter arrived some time during yesterday morning or late on Monday afternoon.

Mr Atkinson interjecting:

The Hon. DEAN BROWN: I can't hear you.

Mr ATKINSON: Is the Premier satisfied with inquiries made by the Liberal Party to establish the identity of the principals of Catch Tim Ltd, BTL Company Ltd and Joyance Company Ltd, which are the registered shareholders of Catch Tim, and their interests in South Australia?

The Hon. DEAN BROWN: The Federal Electoral Act does not require the identity of those people to be revealed. That point is very clear. As I indicated to the Labor Party, in the same way as yesterday the member for Spence refused to reveal the identity of the person who donated the $468 000 through the trade union movement or the $4 million from John Curtin House Ltd, just as we do not know the identity of those donors, it is quite clear that the Liberal Party does not know the names of the people who made this donation apart from the fact that it was through Catch Tim, and all of it complies with the Federal Electoral Act.

HOSPITALS DISPUTE

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Premier. In the light of the Minister for Industrial Affairs' ministerial statement today demanding that the Miscellaneous Workers' Union disclose in writing the basis of its current wage claim, will he advise the House whether any chief executive officers of Government agencies were paid a performance bonus at the end of their first year of employment? If so, will he identify these CEOs and indicate the level of bonus paid and the reasons given for the payment of these bonuses, and will he release the details of the contract with each CEO?

The Hon. DEAN BROWN: The answer to that question is 'No', because—

An honourable member interjecting:

The Hon. DEAN BROWN: No performance bonus has been paid to any chief executive officer.

An honourable member interjecting:

The Hon. DEAN BROWN: Yes, perhaps there is one rule for one and another rule for another, because one is demanding a quick increase in salary while the other has not yet made any such demand. Some contracts contain a performance clause.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: That's a very interesting point: I hadn't thought of that. In fact, the Miscellaneous Workers' Union wants to stay at work and impose bans in hospitals while being paid fully for doing nothing—and the Opposition supports that. Once you become captive of the trade unions, as has the Labor Party throughout the whole of Australia, there is no stance that you can take other than to go along with the union line. When you receive $468 000 from the trade union movement during an election campaign, obviously you become captive of that group. Regarding the original question, I indicate to the honourable member that we are setting up a formal procedure under which the performance of chief executive officers and anyone else employed under a performance clause will be formally assessed and paid finally, but there has been no such payment so far.

YOUTH PROGRAMS

Mr CLARKE (Deputy Leader of the Opposition): My question is directed to the Minister for Youth Affairs. Why has the Government cut more than $700 000 from programs to assist our youth, and how can existing and proposed programs operate effectively when staffing is being slashed? On Friday, the Minister for Youth Affairs announced a revamp of youth programs which will involve a cut of over $450 000. This follows a cut of $250 000 earlier this year through the withdrawal of Education Department funds to Youth SA. Staffing for youth activities will be cut in half, and the Opposition has been informed that programs such as the TRAC program, which was mentioned in this House yesterday by the Minister, and programs for most of our disadvantaged youth will be jeopardised.

The Hon. R.B. SUCH: The Deputy Leader will find out in due course, because we are currently deliberating on the budget. He might think he is a mind reader, but he is not.

HOSPITALS DISPUTE

Mr WADE (Elder): Will the Minister for Health inform the House of the impact of union bans on hospitals and the community's response to this industrial action?

The Hon. M.H. ARMITAGE: I thank the member for Elder for his question about this important matter. South Australian hospitals are clearly being affected by the bans imposed by members of the Miscellaneous Workers Union. At the moment, the Royal Adelaide Hospital is running at about two-thirds of its capacity, but of course taxpayers' money is being spent on wages whilst that occurs, and there is no productivity. That is money that is completely wasted to the health system. Most of the other hospitals have also had bans imposed. I say to the House and to the people of South Australia that the hospitals are coping because of the goodwill of volunteers and of other staff members.

One of the places involved is the Julia Farr Centre, which is within the health portfolio. Last week, on a majority decision, the Miscellaneous Workers Union at the Julia Farr Centre totally rejected union work bans. I understand that at

that time there was a rumour that the cleaners might have been supportive of a union ban being imposed, but the rest of the workers were not. So, like a clever Labor Party politician, the union organiser separated the workers into divisions and had another vote. Indeed, the cleaners did have a majority to institute the bans. So it is a clear instance of, if at first you do not succeed, change the electorate you are basing.

The community response has been extraordinary, and I commend all the volunteers. By way of example, the Women's and Children's Hospital is using 98 volunteers to maintain services. There are 300 volunteers who have made themselves available, and the hospital has received 600 phone calls. At this stage, the hospital has stopped taking names because it has so many volunteers. That clearly indicates the strong community support and, indeed, the community's view in respect of the union action which is stopping the provision of health care to South Australians.

So, I ask: where is the Opposition whilst all this is occurring? Time and again, in every forum possible, the shadow spokesperson will raise every bit of innuendo that she can about any issue. Where has the Opposition been while the health care of South Australians has been affected? It has been absolutely silent. It has not made one statement. I am awaiting her question today, which I am sure will be about the Women's and Children's Hospital. I hope she will admit that it is a management issue and that it has been acknowledged. This month, despite the crisis in the hospitals, the Opposition has not made one statement about it. The Opposition's silence is deafening. I believe all South Australians should be appalled.

The Hon. G.A. Ingerson: I wonder why.

The Hon. M.H. ARMITAGE: I can think of three possible reasons. First, the Opposition spokesperson for health in particular and the Opposition in general are not interested in the slightest in the health care of South Australians. Their passion is to use the health care of South Australians for crude political advantage. That is something that this Government will not stand for. The second reason that I can think of as to why the Opposition has been strangely silent in this dispute is that the Miscellaneous Workers Union is indeed an ALP affiliate. We know the spokesperson has done some dirty deals within the Caucus room, and we know where all the votes lie there. But, of course, the spokesperson might feel that she needs the votes of the Miscellaneous Workers Union delegates at some stage, and she would not want to put them off side. The third possible reason, given that this is a crisis and the health care of South Australians is being affected, could be that the Miscellaneous Workers Union is a donor to the Australian Labor Party.

We have not heard a peep from the Opposition about this crisis in the health care system. In the past financial year, the Miscellaneous Workers Union poured almost $20 000 of direct donations into the ALP. That does not include its donations to the Federal ALP, and it also does not include its general union dues. This $20 000 I am talking about is money that has presumably come straight from a cheque account or maybe a brown paper bag, from the Miscellaneous Workers Union into the ALP campaign funds, in addition to the union fees. I put it to everybody in South Australia that the political process is about being fair. I ask all South Australians: why has the Opposition not criticised the unions, which have been denying health care to South Australians?

MODBURY HOSPITAL

Mr QUIRKE (Playford): My question is directed to the Minister for Health. How many persons have opted for TSPs or VSPs at Modbury Hospital? What was the total cost to taxpayers of these packages? Can he assure this House that those persons who took a package are not now, and have not been since they took a package, an employee of either Healthscope or one of the agencies that it has contracted to provide these services?

The Hon. M.H. ARMITAGE: I will determine the exact number for the honourable member and get back to him. However, roughly 66 per cent, or two-thirds, were employees or became employees of Healthscope. The other employees of the then Modbury Hospital, as we identified on numerous occasions, had the option of redeployment or a TSP. If the member for Playford is implying that some of these people have been re-employed, I would be delighted to hear from him specific examples so that action can be taken.

The SPEAKER: Order! It has been brought to my attention that that question may have been on notice.

POLICE COMPLAINTS AUTHORITY

Mrs GERAGHTY (Torrens): My question is directed to the Ministers for Emergency Services.

Members interjecting:

The SPEAKER: Order! I point out to the House that, until members decide that they want another question asked, the Chair will not permit Question Time to continue. If members want to continue with this sort of unruly behaviour, the Chair will be quite happy to terminate Question Time and get on the with the business of the day.

Mrs GERAGHTY: Will the Minister advise the House how long the present Chairman of the Police Complaints Authority has held that position and how many Police Complaints Authority cases are still pending?

The Hon. W.A. MATTHEW: The responsibility for the Police Complaints Authority lies with my colleague the Attorney-General. I will take the question to the Attorney-General and bring back a considered reply.

HEALTH COMMISSION FINANCIAL REPORTS

Ms STEVENS (Elizabeth): I direct my question to the Minister for Health. Why has the Health Commission released only one set of financial reports and statements this financial year? How does the Minister expect hospital management to meet the Government's stringent budget cuts without recent and accurate information? Health system financial statements were previously issued every month. However, only one statement has been issued so far this financial year, and that was for the period ending 31 October 1994. Casemix information issued by the Health Commission in December last year was subsequently found to be wrong.

The Hon. M.H. ARMITAGE: Obviously an enormous amount of dialogue is going on between the commission and members of hospital administrations on a daily basis. In fact, I am amazed at how much goes on and about the frequency of contact. As the honourable member may know, staff from a number of divisions within the commission frequently travel around both the metropolitan and rural areas and discuss all of these issues. I am in absolutely no doubt that the people who are running our hospitals are fully *au fait* with the Government's policies and budgetary targets. As I have

indicated to the House previously, when I attended a meeting of the Hospitals' and Health Services' Association, which consists of executives of the type of hospitals about whom the honourable member is questioning me, I was told that they are very much in favour of the system that we have brought in and that it was not introduced a moment before time.

Ms Stevens interjecting:

The SPEAKER: Order! I point out to the honourable member that she has asked her question and she should not attempt to ask another one.

STATE ASSETS

Mr QUIRKE (Playford): Will the Treasurer assure the House that updated and comprehensive information on the value of the State's assets will be provided in the forthcoming budget so that Parliament can appreciate our asset position, which the Government has previously explained as the rationale for tough budgetary action?

The Hon. S.J. BAKER: Quite clearly, the answer is 'Yes.' It will not be perfect but it will be much improved on that provided when we arrived in Government.

WELLAND PEDESTRIAN CROSSING

Mr ATKINSON (Spence): I direct my question to the Minister representing the Minister for Transport. When will the Minister for Transport fulfil her written promise of 1994 to build a pedestrian crossing at Port Road, Welland, near the Welland Plaza shopping centre? Yesterday afternoon at about 3.30 p.m. an elderly woman was run down by a motor vehicle on Port Road near the corner with Malcolm Street, West Croydon. In 1993, an elderly woman was run down and killed by a motor vehicle on Port Road near the corner with Way Terrace, Welland.

The Hon. G.A. INGERSON: This is a very serious question, and I will obtain a considered reply from the Minister in another place.

POLICE RESOURCES

The Hon. FRANK BLEVINS (Giles): I direct my question to the Minister representing the Attorney-General. Is the Minister aware of the complaints of the Whyalla police and the Courts Administration Authority that the family conference provisions of the new juvenile justice system are threatened by under-resourcing, and when will sufficient funds be made available?

The Hon. S.J. BAKER: The honourable member has made a number of assertions that are quite incorrect. Those matters are being addressed. As members will recognise, the Courts Administration Authority is going through a process of reassigning its resources to get the best outcome.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: I suggest that, if the honourable member wishes to discuss the matter with the Attorney, his door is always open and he can get a definitive reply on any matter. If he wants the matter pursued, I suggest he takes it up with the Attorney.

HOUSING TRUST TENANTS

Ms HURLEY (Napier): Will the Minister for Housing and Urban Development advise what mechanism regional advisory groups of trust tenants will have to contact the Minister now that he has withdrawn funding from its peak group, the Trust Tenants' Advisory Committee?

The Hon. J.K.G. OSWALD: Each region of the trust has an advisory committee that is organised within that region to be in contact with Housing Trust tenants. The regions can make contact with the regional housing officer—the local regional manager—who is in contact with that committee, and information goes back through the network to my office. It is a very efficient new system. We believe that it will be beneficial, because tenants will have a flow of consultation and dialogue through their own system, through the advisory committees and back to me.

MARINE PARK

Ms WHITE (Taylor): I direct my question to the Minister for Mines and Energy. Did the report by the South Australian Research and Development Institute on the establishment of the Great Australian Bight Marine Park recommend the exclusion of mining and fishing from the sanctuary over the breeding and calving area, and will he release a copy of the report? The report prepared by SARDI was commissioned with the aid of Federal Government funds under the Ocean 2000 program, and its recommendations for the establishment and management of the marine park should be made public.

The Hon. D.S. BAKER: As the honourable member quite rightly points out, the report on the Great Australian Bight Marine Park was done by the South Australian Research and Development Institute. It was done for the Department of Primary Industries, and the report was handed to me last Monday. I have sent it to the Minister for the Environment and Planning and other relevant Ministers. They will comment back to me on the report, and then a Cabinet submission will go forward to the Government.

TAFE LECTURERS

Mr CLARKE (Deputy Leader of the Opposition): I direct my question to the Minister for Employment, Training and Further Education. What are the targets for cuts in lecturer's positions for the Department for Employment, Training and Further Education? The Opposition has been given copies of documents that urgently require all registrations of interest in targeted voluntary separation packages to be sent in by today, 8 March, so that the Minister can be advised.

The Hon. R.B. SUCH: The Department for Employment, Training and Further Education is seeking to make itself more efficient and effective. As part of that process we are inviting people who wish to consider a package to apply for one.

WORKCOVER

Mr CLARKE (Deputy Leader of the Opposition): I direct my question to the Minister for Industrial Affairs. What guarantees do injured workers have that the confidentiality of private injury records and medical reports will be maintained under contracts for WorkCover claims management, and what recourse will injured workers have in the event that their private records are released deliberately or inadvertently by private claim managers? A constituent has contacted me with respect to this issue. The constituent concerned has been in contact with and received a response from WorkCover dated 8 February 1995, which says that the exact nature of

operational arrangements with claims management agents is yet to be determined.

The Hon. G.A. INGERSON: There is a requirement under the Act for confidentiality and, if there were any breach of it, I hope that the Deputy Leader would let me know.

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Industrial Affairs table a copy of the cost benefit analysis prepared by WorkCover before the decision was made to outsource claims management? Is he aware that this analysis shows that there will initially be an increase in administrative costs through outsourcing, and what are the details?

The Hon. G.A. INGERSON: As the Deputy Leader is aware, he has already been advised that those are confidential documents of the board and are to be treated as such according to the Act.

AMBULANCE SERVICE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Emergency Services. What were the recommendations of the Audit Commission on the Ambulance Service; what action has the Minister taken on these recommendations; and when will he release the report? The Minister told Parliament on 5 May:

> As Minister for Emergency Services, I asked the Audit Commission to undertake a special job for me—to examine the Ambulance Service and to report back.

On 10 May he said he would not table a draft report on the Ambulance Service because it was just a draft, but he then said:

> When the final report is given to me, I will be happy to ensure that the honourable member has a copy—very happy.

The Opposition is still waiting.

The SPEAKER: The honourable member is now commenting. The honourable Minister.

The Hon. W.A. MATTHEW: The honourable member's question was the subject of a question on notice; it has been responded to satisfactorily. The honourable member did not refer to that question on notice in asking her question. If she has any difficulty with the response, I suggest she take it up with me either privately or in this Chamber.

STATE ECONOMY

Mr QUIRKE (Playford): Does the Premier agree with the Australian Bureau of Statistics' finding that in the year to September 1994 South Australia had by far the lowest rate of growth of any mainland State—1.7 per cent compared with 6.4 per cent nationally—or did he consider the ABS to be wrong when he claimed, 'After 12 months of reform SA's employment and economy are growing faster than the rest of the nation's . . . '? That was in 'A Year of Rebuilding', 9 December 1994.

The Hon. DEAN BROWN: I missed part of the honourable member's question, but I presume he was referring to the rate of population growth in South Australia.

Mr Quirke: No, gross State product.

The Hon. DEAN BROWN: The honourable member need look only at what has occurred with capital expenditure here in South Australia over that period. The fact is that South Australia, in the September quarter, had 34 per cent higher capital expenditure by the private sector than 12 months earlier. That is a pretty good comparison: the September quarter under Labor was 34 per cent lower than it was under this Liberal Government. To show the extent to which our economy was escalating, I point out that the capital expenditure in the September quarter was 17 per cent higher than in the previous June quarter. So, in the June quarter we can see the extent to which the economy in South Australia was picking up at an incredible rate with an expenditure increase of that nature.

It is also interesting to see the extent to which South Australia is now consistently in the top one or two of the States of Australia in terms of forecasts and growth rate, and I highlight in particular the demand for motor vehicles. I think we are topping the whole of Australia in terms of retail sales of new motor vehicles. I saw some figures just a couple of days ago that showed that, when it came to retail sales, South Australia had, I think, the second highest increase. What has come through clearly is that South Australia under the former Labor Government had had its economy well and truly knocked around and damaged with the loss of 22 000 manufacturing jobs alone. In the first 12 months we have been in government, in the manufacturing sector, the transport sector, the retail sector and the tourism sector the number of jobs in 1994 was, on average, 22 500 greater than in the previous year.

What an embarrassment to the Labor Party Opposition in this State to have had a new Government come in and be able to turn around the economy so quickly, to have created on average 22 500 extra jobs in those four crucial industry sectors. I suggest that the honourable member sit down and look at the figures, because they clearly show that there has been a significant turnaround in this State's economy and a substantial increase in employment as a result.

WATER SUPPLY

Ms HURLEY (Napier): My question is directed to the Minister representing the Minister for Infrastructure. How will the Government promote the conservation of water if contract payments for the outsourcing of the operation and maintenance of the metropolitan water supply are based on throughput? The Government's plans to outsource or franchise the operation and maintenance of the metropolitan water supply will create a structural disincentive to water conservation in South Australia.

The Hon. G.A. INGERSON: The question asked by the member for Napier is a very important one. As it requires a considered reply, I will make sure I get that urgent reply in the near future.

CROATIAN COMMUNITY SPORTING COMPLEX

Mr QUIRKE (Playford): Has the Minister for Recreation, Sport and Racing made a determination on land for the proposed Croatian community sporting complex to be housed at SA Sports Park?

The Hon. J.K.G. OSWALD: I know that the honourable member is interested in this matter and attended a meeting recently. The Croatian community recently approached the Salisbury council to develop a sporting complex within the council area on land bordering Sports Park. The complex is seen as a long-term project to incorporate a fully lit main oval with grandstand for up to 2 000 spectators initially, with associated club facilities in addition to three practice pitches, basketball, football and tennis facilities. Salisbury council does not support the development due to the proximity to

residents of South Terrace, Salisbury. Following rejection by the Salisbury council, members of the Croatian community and the Enfield council have approached my department about the possibility of providing a facility at State Sports Park.

Preliminary discussions have been held and a request forwarded to the Department of the Environment and Natural Resources for a complete valuation of the land at Sports Park currently owned by me in the name of the Minister for Recreation, Sport and Racing. After various consultations have occurred, a proposal will be developed by my officers and, when I have had an opportunity of considering the matter in the context of the long-term use of the site and the strategic planning for future development of sporting facilities, I will come back to the honourable member and the Croatian club.

EMERGENCY SERVICES

Mr QUIRKE (Playford): Will the Minister for Emergency Services seek a report into emergency communications in the State Emergency Service in light of reported delays of up to two hours in contacting this body after the freak storm on Australia Day recently?

The Hon. W.A. MATTHEW: If the honourable member gives me the details of his complaint, I will be happy to bring him back a reply from the emergency services agencies involved.

GAMING MACHINES

Mr QUIRKE (Playford): My question is directed to the Treasurer. How much revenue has the Government received from the operation of gaming machines and has the Government revised its estimate of revenue from this source for 1994-95? The budgeted revenue from gaming machines is $41.5 million in 1994-95 and, in view of the positive response to the installation of machines, some trend should now be emerging as to the accuracy of those figures.

The Hon. S.J. BAKER: On the budgetary horizon, it is probably the only good news I have.

Members interjecting:

The Hon. S.J. BAKER: I know. However, I am quite willing to accept the revenue. The question of revenue, as the honourable member would recognise, is one the Government is tracking. It could well be that poker machine revenue will be up some millions of dollars. This is being offset to a certain degree by a downturn for the casino and a downturn on lottery products. Our best assessment at this stage is that net benefit will be around $3 million for the total package of the gambling areas concerned. It has certainly been some small level of comfort in an otherwise bleak horizon, and I know that members would reflect on the impact that interest rates are having not only on home builders but on our revenues from stamp duties. That has been severely affected by the lack of inclination for people to change houses and to build new houses. People are concerned about the impacts of ever rising interest rates on their household budgets. The budget revenue is more or less on track but there are some reasonable elements to it and there are some elements that have taken a significant downturn in recent months.

STATE ECONOMY

Mr QUIRKE (Playford): Will the Premier inform the House when we will get the jobs and growth in South Australia that he has been claiming? ABS figures show that South Australia missed out on the benefits of the national economic recovery during the past 15 months and the strongest national rate of growth for over 10 years with our State growing at less than one-third the rate for the nation during most of 1994. Current growth rates in South Australia are below the 3 to 3.5 per cent level—regarded by most persons and economic commentators as being the basic flaw to prevent further growth and—

The SPEAKER: Order! The honourable member has explained his question: he is commenting.

The Hon. DEAN BROWN: The shadow Treasurer should have listened to the answer to his previous question, because I gave the detail: this State on average in 1994 had 22 500 extra jobs in manufacturing, retailing, tourism and transport compared with the situation 12 months earlier. If that is not a substantial increase in the number of jobs, I am not quite sure what is. The honourable member should look at the figures—where the State sat in 1991 and where it was in 1993 and 1994. The honourable member would find that this State went into a very sharp decline. Under the stewardship of the now Leader of the Opposition and his ministerial colleagues, our State went through the biggest single decline of any economy in the whole of Australia. If the honourable member wants to point the figure at anyone over the fact that our State went through a very grim period between 1991 to 1993, I suggest that he talk to his Leader and the former Premier.

PERSONAL EXPLANATION

Mr ATKINSON (Spence): I seek leave to make a personal explanation.

Leave granted.

Mr ATKINSON: Earlier today in Question Time the Premier made reference to a donation I received from my former employer, the Shop Distributive and Allied Employees Association. I worked for the Shop Distributive and Allied Employees Association between 1987 and my entering the House in 1990. The SDA made a $4 000 donation to me for the 1989 State election campaign which was disclosed in accordance with the law. The organisation also made a $4 000 donation to me for the 1993 State election campaign which I gratefully received and which was duly reported. I am a member of the Shop Distributive and Allied Employees Association, and that membership is recorded in the register of pecuniary interests of the House. Moreover, in prefacing my remarks on the shop trading hours legislation coming before this House, I disclose my membership of the organisation.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

The Hon. M.D. RANN (Leader of the Opposition): Today in Question Time I asked the Premier to instruct Ms Vickie Chapman, President of the Liberal Party, to release the true identity of Moriki Products, a major contributor to the South Australian Liberal Party. I did so because the 1993 return of donations to the Liberal Party reveals a donation of $50 000 by Moriki Products with an address of 50 Lorong J Telok, Kurau, Singapore. Inquiries have failed to confirm the existence of this company, its address or the identity of its shareholders and directors let alone any possible interest it could have in South Australia or in the South Australian Liberal Party. The Premier said he knows of nothing from Moriki Products that went to South Australian candidates. He said that they went to Federal candidates, not to the State campaign. How can the Premier say he knows that when he has been telling us for weeks that he knows nothing about where the money goes or who made the decision?

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

While the bells were ringing:

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition is making improper threats across the Chamber. I ask him to withdraw the comment.

The Hon. M.D. RANN: I am happy to withdraw the comment, Sir, in order to speed up proceedings.

The SPEAKER: The Chair did not particularly hear the last comment of the Leader of the Opposition, but let me point out to members that the Chair will not permit any member to continue to make personal accusations against any other member.

A quorum having been formed:

The Hon. M.D. RANN: The Premier says that he knows that this donation did not go to the State campaign. In fact, I have a copy of the Australian Electoral Commission annual return by the agent of a registered political Party, and I think people should note that this is a return to the South Australian division of the Liberal Party under the name of Mr Grahame Morris.

But, in order to avoid further embarrassment to the Premier, next week I will be introducing a Bill into Parliament that will require all political Parties to reveal the true source of donations to Parties and candidates. A similar Bill was introduced twice into Parliament by the former Attorney-General (Hon. Chris Sumner), and twice defeated by the Liberals and the Democrats in the Upper House. We will amend the Sumner Bill to include tougher disclosure provisions on overseas donations. Overseas companies donating to a political Party will be required to be substantial and not just front companies. The overseas company making the donation must list the names and addresses of all directors and all substantial shareholders and, also, overseas donations to trust funds, which in turn donate to political Parties and candidates, must supply full details of all income of the trust fund.

The Premier says that there is a flaw—a loophole—in the Federal legislation. Well, here is his chance to support the closing of that loophole in the State Parliament where he is the Premier who does not have the courage or the integrity to front today.

The Hon. D.S. BAKER: On a point of order, Mr Speaker, I believe it is proper for the Premier to be called by his proper title and not referred to as 'he'.

The SPEAKER: Order! That is correct. However, I do not think the Minister should disrupt the proceedings with that sort of point of order.

The Hon. M.D. RANN: If the Premier is serious about integrity, accountability, transparency, and openness in the parliamentary process, he will support this Bill. He has publicly expressed his concerns about loopholes: let us see him close them.

The SPEAKER: Order! The honourable member's time has expired.

Mr BECKER (Peake): As I said yesterday, the pathetic performance of the Leader of the Opposition continues. He is well known for the obituary he wrote in New Zealand about the Mayor who had not passed away. That is the type of research we are experiencing now. We have the Leader of the Opposition trying to sleaze up something that does not exist. The administration of the Liberal Party is entirely separate from the Liberal Parliamentary Party and, if the Labor Party thinks it will intimidate people in this State and country and people who reside overseas, in terms of their making donations to the Liberal Party, it has another think coming, because we can insist that every union discloses the relevant details to every union member; we want all union members in this country to know exactly where their money goes. We want to know how much was donated to the Labor Party and for what reason it was donated.

Yes, come on the Labor Party: disclose all sources of your information and donations—disclose who has been doing the research; who has been funding the research into Catch Tim; how much it has cost the *Advertiser*. How much has it cost you lot—the Labor Opposition—in trying to find some little bit of sleaze that has ended up being for nothing? As Don Dunstan used to say to me,'Go overseas yourself and see how the other half live.' A $100 000 donation from a wealthy businessman in Hong Kong is to him like petty cash. Someone with good judgment and prepared to take a punt on having a good solid Government in Australia has given a donation of $100 000. That is what this State needs: it needs a Government that will be here for at least eight years (12 years, I hope) so that it can build a solid foundation, create employment and development opportunities and get everybody back to a reasonable standard of living that was destroyed under the previous Labor Administration. That is the whole problem.

We are trying to pull up the State from where it has been: crucified and destroyed by the previous Labor Government. The Opposition is doing nothing but trying to sabotage, acting as traitors and attempting to destroy everything that is being done. Let us look at what the Leader of the Opposition did today. His efforts were a real fizzer. There was nothing new, no scandals and only continuous stunts. He referred to a donation by Moriki. It was made to the Federal election campaign of the Liberal Party. It was publicly disclosed more than 12 months ago—it was no secret. It has been fully audited by the Australian Electoral Commission. The Leader promised the media today more revelations, more questions. What a dismal performance! Again, the Leader failed to deliver. He has been beavering away at the issue for more than five weeks. What has he found? No impropriety, no illegality, no corruption—just stunts and the typical fabrication we saw when he was in Government.

We as a political and parliamentary Party will not be intimidated by threats, we will not be intimidated by the antics of the bully boys and the bovver boys in the Opposi-

tion. They will have to do a lot more than this if they want to build up any credibility or any standing in the community. Personally, I do not mind. I would encourage them to keep going like this because, for as long as they do, the Liberal Party in South Australia has a fine and long future and it will at last be able to do something positive for South Australia. That is what we need: positive action in terms of development and job creation.

It is a pity that Opposition members were not present this morning at the Camtech announcement, in the course of the opening of an expo, that they had been awarded the one tier computing contract involving EDS. This company, which is part of the University of Adelaide, started operating just over 15 months ago with 23 jobs; within two years it will be employing 50 people. The University of Adelaide is one example of an organisation doing something positive within the community, of not only training and educating the academics but making it possible for the people they educate and train to go into business. They are doing this at the Thebarton College and are now doing it through Camtech.

Mr ATKINSON (Spence): For almost eight years Barton Road, North Adelaide, has been disfigured from its historical appearance and its appearance on the deposited plan at the Lands Titles Office. This disfigurement, which is designed to exclude motorists and cyclists who live outside North Adelaide—

Mr Condous interjecting:

Mr ATKINSON: —as the member for Colton says, discrimination against everyone who does not live in North Adelaide—was initiated by petitions signed by the member for Adelaide and 13 other wealthy and influential North Adelaide residents, including counsel for the State Bank Directors, Mr Michael Abbott, QC; Greg Ennis, one of the principals of Fenwick Ennis Real Estate; the property developer Theo Maras; and the eye specialists, Doctors Crompton and Hammerton. The Adelaide City Council ripped up Barton Road in late 1987 and constructed a narrow S-bend in its place, some of which is on road reserve and some of which is on parkland.

For all the bluff from Minister Laidlaw, the member for Adelaide and the Adelaide City Council about fining motorists and cyclists $114 for going through Barton Road, North Adelaide, I cannot see how those people can be fined in a court of law for traversing a road which is partly on parkland. The Adelaide City Council ripped it up without any legal authority. The Adelaide City Council did not apply for legal authority until 1992—almost five years after the closure—when it applied under the Roads (Opening and Closing) Act to close Barton Road totally and permanently. Let us make no bones about this: the policy of the Liberal Party of South Australia is to close Barton Road totally and permanently and to exclude the number 253 bus from traversing Barton Road.

The Hon. D.S. Baker: Which one?

Mr ATKINSON: Number 253. It comes from Kilkenny—my bus. The Arnold State Labor Government refused the Adelaide City Council's application to close Barton Road. After the refusal of authority in March 1993 the Adelaide City Council passed a motion purporting to close the road temporarily under section 359 of the Local Government Act. I ask the Minister for Transport: when will that temporary closure finish? The closure helps keep Hill Street, North Adelaide, almost deserted, and this, according to the reasoning of the North Adelaide Society, increases the residential amenity and real estate values in the area including, I might add, the $250 000-plus residence of the member for Adelaide in Molesworth Street near Barton Road.

In December 1993 the member for Adelaide and his sister-in-law became Ministers of the Crown. The member for Adelaide's sister-in-law, as Minister for Transport, entered Cabinet. One of her first acts as Minister for Transport was to write to the Adelaide City Council to authorise 'no entry' signs at Barton Road. Before this letter was written, there was serious doubt about whether the 'no entry' signs and all the other aspects of the traffic management device at Barton Road were authorised under sections 17 and 18 of the Road Traffic Act. I have copies of correspondence between the previous Minister of Transport and the Adelaide City Council, and copies of legal advice to the previous Government on this point. It was a highly conjectural point which the Minister for Transport resolved in favour of her brother-in-law and others.

Recently the Lord Mayor of Adelaide, the Right Honourable Henry Ninio, whose campaign for Lord Mayor is sinking slowly under the concerted fire of the Jane Rann forces, backed as they are by the member for Adelaide, issued a desperate letter to residents of North Adelaide in which he said:

> Council will be notifying the Police Department to enforce the resolution of council's wishes of April 1993. I will be taking the matter up personally with the Commissioner and will continue to use my best endeavours to ensure that Barton Road remains closed and penalties imposed on offenders in order to maintain the residential amenity and safety of the area.

This is the same Henry Ninio who telephoned me in 1992 to assure me that he was 'my man' on the Barton Road issue and that only a small bunch of snobs in North Adelaide wanted to keep the road closed. This is the same Henry Ninio who is now desperate to try to pilfer Jane Rann votes in North Adelaide.

Mr CONDOUS (Colton): I want to talk about one of the greatest acts of discrimination against people in this State, that is, the 42 000 ticket holders and members of Football Park who have been discriminated against by the AFL by having to pay $10.50 to watch a football game. This also involves Perth members who have to pay $10.50, while everybody in Victoria who has a member's pass to a ground where Ansett Cup games will be played gets in for nothing.

On Sunday 13 800 people attended the game between Geelong and the Adelaide Crows; South Australians stayed away in droves. They did not stay away because of disloyalty to the Adelaide Football Club; they stayed away as a protest to the AFL, to show it that they are serious about what is happening. There was a clear message from the people, and that message was: do not treat us like idiots; treat us with the respect we deserve and treat us as being equal to Victorian supporters. That was what it was all about.

I go back to the time when I was Lord Mayor, when a young lad by the name of Cook came down from Broken Hill to play for the Norwood Football Club and was drafted by Fitzroy. He did not want to go to Fitzroy and decided that he would allow himself to be made a test case to see whether or not the draft was legitimate. During the next 10 weeks members of the AFL and the Fitzroy Football Club stood outside his parents' home at Broken Hill and made life unbearable for the family. They managed to get the lad over to Fitzroy and then tied up the legal issues to ensure that they could not be challenged on the draft.

South Australians have been discriminated against—and we will again be discriminated against on Sunday by being asked to pay $10.50 to watch West Coast play Adelaide after we have paid $215 to be members of Football Park, while our counterparts at the MCG will just show their ticket and walk in for nothing. This is discrimination based on where people live; it is based on State boundaries. Everybody who lives in South Australia will be charged while everybody who lives in Victoria will not be charged.

The AFL is very good at making changes, and it pulls things out faster than Mandrake can pull rabbits out of a hat. We can expect changes throughout the entire season which will satisfy the AFL, which does not really care what happens in South Australia and Western Australia. I think that someone has to speak out, and that is why I have stood up today—to speak out on behalf of 42 000 committed South Australians. It boils down to sheer jealousy, because the Adelaide Football Club has more paid-up ticket holders than any other club in Australia, including the famous Collingwood Club. Victoria does not like it because already we have pre-sold tickets and guaranteed that the 11 or 12 games that will be played in South Australia will be played to capacity crowds.

I think that this is totally unfair. This Parliament should direct the Attorney-General to investigate whether what is being done can be permitted under the Trade Practices Act. Someone should support the football public in South Australia instead of allowing the AFL to treat members of the Adelaide Football Club like dirt.

The Hon. FRANK BLEVINS (Giles): I wish to speak today about what can only be called a crisis with regard to the Air Sea Rescue Squadron vessel at Whyalla. To give a brief history of the Air Sea Rescue Squadron, it was formed in 1981 after a particularly bad accident involving two recreational fishermen who drowned at sea near Black Point and False Bay, just off Whyalla. It is possible that those people could have been saved if a suitable vessel and crew had been available to go out. At that time the police were unable to raise a boat crew who would venture out on those rough seas that happen off the Whyalla foreshore and, hence, the Air Sea Rescue Squadron, Whyalla, was formed.

Over the years the Air Sea Rescue Squadron has done sterling service in Whyalla in using both the boat that belongs to the squadron and the boats of members. It is not a situation that can continue because the vessel that it has been using is now 25 years old, it is no longer seaworthy and is a hazard to the people who are going out in it to rescue others.

The area we are talking about is an enormous area of Spencer Gulf covering about 1 200 square nautical miles. The Whyalla City Council has asked the Air Sea Rescue Squadron to extend its area of coverage for the annual National Snapper Fishing Championship. I think it wants another 200 square nautical miles covered during that championship period, so we are talking about a vast area of dangerous sea. The Whyalla City Council has done the right thing; it has donated $20 000 to the Air Sea Rescue Squadron for running expenses and to purchase a new vessel, because its present vessel, as I said, is in a pretty sorry state.

The boat has been described as slow, wet and inadequately fitted with navigation equipment for night operations. The boat's construction does not encourage the fitting of such expensive equipment, as the cockpit command area is always open and therefore prone to vandalism or theft. The whole structure is nearing the end of its economic life as internal rust due to construction methods used and thinning of the external walls led to extensive replating being required at the last refit and, as such, one could say that it is unfit for being anything more than a starting boat for a yacht club.

We are talking about volunteers who give up their time and risk their life for the safety of the community to go out and rescue those in distress. I think it is a great pity that this Government has refused to expend any funds on the replacement of this vessel with a more seaworthy vessel. I believe that a very good case could be argued for this type of work to be performed by the Government anyway. Most civilised nations with an extensive coastline have a coastguard to carry out these kinds of operations as part of their daily duties. That is a system that I have always supported, and I have always been surprised that Australia has never got around to having anything that resembles the US Coastguard. Be that as it may, it seems to me that where volunteers fill this very real need in the community they are entitled to Government support, and they are certainly not getting it from this Government. I think that shows a callous disregard for people who get into distress on the sea and for the volunteers who crew this vessel in their own time at their own risk while attempting to rescue these people.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Light.

Mr BUCKBY (Light): Mr Deputy Speaker, I wish to bring to your attention and to that of members of the House and the public of South Australia a certain form that is used by the Real Estate Institute. The form to which I refer is a sales agency agreement. It is a contract between a vendor and a real estate agent for the period that the agent is given to sell a house on behalf of a vendor. However, the Real Estate Institute does not compel its members to use the latest form. The 1986 sales agency agreement form was superseded by another in 1991. If a vendor wishes to terminate an agreement signed on a 1991 form, they may do so by letter to the land agent or to a member of the Real Estate Institute. However, with respect to a 1986 form, such a letter does not constitute a breaking of the agreement. Therein lies the difference.

A problem may arise if a real estate business uses a 1986 form, because the vendor will not be able to terminate the agreement. However, if it uses a 1991 form, the vendor is able to terminate the agreement by letter. Furthermore, if a discrepancy or problem occurs with the use of the two forms, one against the other, the form is considered to be a legal document and any dispute can be heard in the Small Claims Court. As a result, there is little likelihood of a decision being made for the vendor because the form is a legal document, but the REI does not compel its members to use it. It is for this reason that I bring this matter before the House.

Constituents of mine, Mr and Mrs Stanley Creed, formerly of Wasleys now of Lyndoch, wanted to sell their business in Wasleys. They signed a sales agency agreement with a real estate agent in Gawler. Unfortunately, the agent used a 1986 form, although this was done in 1993. The agency was for a two month period. During that agency a number of contracts were signed, but on each occasion the purchaser withdrew during the cooling off period because of lack of finance. At the end of the two month period, Mr and Mrs Creed decided to go to another land agent. They informed the first land agent by letter of what they intended to do. Under a 1991 sales agency agreement form that would have constituted an end to the contract. However, the first real estate agent used a

1986 form even though it had been superseded by a 1991 form.

The subsequent land agent sold the property for Mr and Mrs Creed to a purchaser who had been dealing with the first land agent. A few months after the sale had gone through, the first land agent with whom my constituents signed the sale agency agreement on a 1986 form billed them for a second lot of commission. They lost the case in the Small Claims Court because the 1986 form was a legal document. As a result, they have paid two lots of commission amounting to $8 000 as against the $4 000 which they should have paid. I warn people to ensure that, when they sign a sales agency agreement, they do so on a 1991 form.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

SECOND-HAND VEHICLE DEALERS BILL AND CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

NATURAL GAS PIPELINES ACCESS BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to provide for access to pipelines for the haulage of natural gas; and for other purposes. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

With some trepidation, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

Mr Clarke: No.

The DEPUTY SPEAKER: Leave is not granted. The Deputy Premier.

The Hon. S.J. BAKER: It is essential that before the Government proceeds with its planned sale of the assets of the Pipelines Authority of South Australia (PASA) a third party access regime covering the PASA pipelines be put in place. This Bill is a vital part of the Government's asset sales program and a significant element in the process of achieving the Council of Australian Government's (COAG, for the benefit of members opposite) target of free and fair trade in gas in Australia by mid-1996. The Bill is 'light handed' and places emphasis on commercial arrangements between parties but provides a safety valve for dealing with anti-competitive behaviour by the pipeline owner or existing users of the pipelines.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Would you like to take a point of order? The purpose of the Bill is to provide a legislative framework for third party access to natural gas pipelines in South Australia consistent with nationally agreed principles. Those principles were agreed at the Council of Australian Government meeting in Hobart on 25 February and are reflected in the draft intergovernmental agreement on competition principles and the Commonwealth's draft Competition Policy Reform Bill. The key principles are:

- Access is to be made available on agreed terms if possible;
- An access proponent has a right to negotiate access;
- Regulation to be 'light handed' (allowing commercial forces to determine pricing);
- The owner of the facility is to attempt to accommodate third party access;
- Access is to be on a non-discriminatory basis but not necessarily on the same terms and conditions;
- Enforcement through arbitration in the event of failure of negotiations.

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. The House is having great difficulty understanding the Deputy Premier.

The DEPUTY SPEAKER: Order! There is no point of order. The Chair can make no allowance for the lack of mental acuity on the part of those listening. All the Chair can do is to permit the Deputy Premier to make the second reading.

Mr ATKINSON: My point of order is about the Deputy Premier's diction: it is most indistinct, and he is speaking so quickly that the House cannot understand what he is saying.

The DEPUTY SPEAKER: Order! There is no point of order.

Mr ATKINSON: Erskine May requires that speeches in the House be in English.

The DEPUTY SPEAKER: Order! There is no point of order.

The Hon. S.J. BAKER: I think he needs to visit our hospitals.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: He may not be able to get very good service, but he may be able to catch up with some of his mates who donated to him during the last campaign. I will continue with the second reading explanation.

- Arbitrator to be independent, appointed by the regulator after consultation with the parties;
- Arbitrator's decision on access terms and conditions to take into account a range of factors, including:
  - owner's legitimate business interest in facility;
  - cost to owner to provide access;
  - value of investment by third party;
  - interests of existing users;
  - existing contractual obligations;
  - safe and reliable operation;
  - economic efficiency of facility; and
  - benefit to the public;
- There will be an appeals process;
- The owner of the facility will be required to extend or permit extension of the facility subject to:
  - technical and economic feasibility;
  - owner's interests protected;
  - third party pays appropriate share of costs; and
  - owner not necessarily required to bear additional costs
- Indicative terms and conditions for access, including charges to be available on request;
- Separate accounting arrangements required for declared service elements of business;
- There are some limitations on the business of the operator, including the limitation to only purchase gas for its own use and not for resale.

The Bill requires existing pipeline users to be notified of a proposal—

Mr CLARKE: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. S.J. BAKER: —which may affect existing services thereby giving them an opportunity to air any concerns they might have. Further, to ensure that public interest issues are considered, the arbitrator must also take into account the public interest in market competition. The Minister also has the right to make representation to the arbitrator and to comment upon the arbitrator's draft award. So that there cannot be concerns in relation to Government intervention, the Minister does not have the right of direction. While this Bill places the emphasis on commercially agreed gas haulage prices and terms, any attempt by the pipeline operator to exploit the users of the pipeline could give rise to a dispute with recourse to the regulator and ultimate arbitration. A possibly contentious section (section 36(2)) allows an arbitrator in very limited circumstances to adjust the existing contractual rights of a pipeline user. While it is recognised that this section might cause concern, it is a necessary element in order to ensure that an exiting pipeline user cannot inhibit competition by vexatiously retaining capacity in the pipeline which it is unlikely to use.

The legislation is intended to apply only to natural gas pipelines within South Australia transporting sales quality gas. Currently this means the Moomba to Adelaide pipeline system, and the Katnook pipeline system and their associated lateral pipelines and loops. These and future such pipelines will, as required, be prescribed under the Act through regulation. The Bill is a result of a wide consultative process with the industry, Governments and the Trade Practices Commission and is the first general access regime in Australia. The Commonwealth's Moomba to Sydney Pipeline System Sale Act 1994, the Western Australian Goldfields Gas Pipeline Agreement Act 1994 and the Western Australian Gas Corporation Act 1994 are the only other examples of access legislation in Australia at this time and these are all pipeline specific.

An honourable member interjecting:

The Hon. S.J. BAKER: You've got plenty. Enjoy my voice, you will hear it. Under the Commonwealth's proposed competition policy reform legislation, the National Competition Council may declare a service to be subject to Commonwealth jurisdiction for access to essential facilities unless a State already has in place an effective regime. The Commonwealth has advised that it considers that the Bill fulfils the necessary requirements to be an effective regime. The pipelines in South Australia, like those in the rest of Australia, are natural monopolies and are likely to remain so because of the high cost of providing pipelines over the long distances between sources and markets. It is the Government's view that the proposed access legislation, while being light handed, contains sufficient controls to ensure that gas will continue to be delivered in South Australia at competitive prices.

A regulator will be required to administer the Act, the role of the regulator is the subject of other proposed legislation. The Act is made up of eight parts essentially reflecting:

(a) how the pipeline operator may conduct its business;
(b) requirements for information;
(c) the negotiation procedure; and
(d) the arbitration process should negotiations fail.

Another part addresses the regulator's functions in relation to the monitoring of haulage charges. In seeking to be 'light handed' the Bill has deliberately not been prescriptive, with the result that the majority of the Bill focuses on the details of the arbitration process. However, arbitration is a very costly last resort and it is considered that the Bill succinctly sets out the rights of the parties in as fair and equitable way as possible, providing every opportunity for the parties to reach agreement. This legislation represents the beginning of a new and exciting era in the gas industry in Australia. I commend the Bill to the House, and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

Mr Atkinson: No.

The DEPUTY SPEAKER: Leave is not granted. The Deputy Premier.

The Hon. S.J. BAKER: The explanation is as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to come into operation on a day to be fixed by proclamation.

Clause 3: Objects

This clause sets out the objects of the measure which are to provide for competitive markets, to promote efficient allocation of resources and to provide for access to pipelines.

Clause 4: Definitions

This clause contains definitions of terms used in the measure.

'Access' is the right to have a haulage service provided by means of the pipeline, including incidental rights.

'Access contract' means a contract giving access to a pipeline or a significant contractual variation of it.

'Access proposal' is a proposal made under the Act to initiate the procedure whereby a person can have access to a pipeline.

'Controlling associate' means a body corporate that has a substantial degree of power in a market for natural gas in South Australia served by a pipeline and that is related to the operator or a related body corporate.

'Firm contract' means an access contract that is not an interruptible contract.

'Haulage service' means the service of hauling or backhauling natural gas through a pipeline.

'Interruptible contract' is one liable to be interrupted or curtailed on short notice and where rights of access are liable to be displaced by rights of access under firm contracts.

'Operator' of a pipeline is a body corporate licensed to operate the pipeline under the Petroleum Act 1940.

'Pipeline' means a natural gas pipeline licensed under the Petroleum Act 1940 and declared by regulation as one to which the Act applies. A pipeline is not subject to the Act unless declared to be by regulation. The Act only applies to natural gas pipelines.

'Proponent' means a person who makes an access proposal.

'Regulator' means a person to which the functions of the regulator under the Act are assigned.

'Respondent' means a person required under the Act to be given an access proposal.

Clause 5: The regulator

This clause permits the Governor to assign the functions of the regulator under the Act to a nominated authority, officer or person.

Clause 6: Segregation of business

An operator may only provide haulage services for others. It must not haul natural gas on its own account. The operator's business must be limited to operating pipelines and related activities.

Clause 7: Segregation of accounts and records

Accounts and records of the operator's pipeline business must be kept separate from the accounts and records of any other businesses. Separate accounts and records must be kept for each pipeline.

Clause 8: Segregation of officers

Officers of and consultants to the operator must not be involved in the business activities of any controlling associate relating to the haulage or supply of natural gas. In the case of consultants, the regulator can authorise a dispensation. Confidential information relating to the operator's haulage business must not be made available to a controlling associate. There is an exception in relation to technical information required for a pipeline user for the safe and efficient supply of haulage services.

Clause 9: Unfair discrimination

An operator must not unfairly discriminate in relation to access to a pipeline. An operator must not unfairly discriminate between pipeline users by waiving rights on a non-uniform basis or by making kick-back arrangements.

Clause 10: Preventing or hindering pipeline access

An operator or pipeline user or related body corporate is prohibited from engaging in conduct for the purpose of preventing or hindering access.

Members interjecting:

The Hon. S.J. BAKER: I am just wondering when grievances are going to occur. It might be very late at night.

Clause 11: Information brochure

An operator is required to have available an information brochure giving general terms and conditions upon which access may be provided, including pricing principles and a general indication of tariffs. The brochure is to be made available to anyone appearing to have a legitimate interest.

Mr CLARKE: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. S.J. BAKER: Clause 12: Operator's obligation to provide information about access

An operator is required to give a person with a proper interest in making an access proposal detailed information about the pipeline, the extent to which its capacity is reserved, whether its capacity could be increased and generally the terms and conditions upon which access might be provided. A charge may be made for the information provided under this clause.

Clause 13: Information to be provided on non-discriminatory basis

Information is to be provided to persons interested in making access proposals on a non-discriminatory basis.

Clause 14: Proposal for provision of haulage service

A person who wants access to a pipeline or to vary an existing access contract may put an access proposal to the operator. Notice of the nature and extent of the proposal is required to be given to other proponents and pipeline users who, together with the operator, become respondents to the proposal. If the access proposal is for an interruptible contract, other proponents and pipeline users are not required to be notified.

Clause 15: Duty to negotiate in good faith

The respondents to an access proposal are required to negotiate in good faith.

Clause 16: Limitation on operator's right to contract to provide access

An operator is prevented from entering into an access contract (other than an interruptible contract) unless all other proponents and pipeline users required to be given notice agree or unless the operator gives written notice of the proposed access contract and either there is not formal objection to the notice or all objections made are withdrawn. A contract entered into in contravention of the section is void.

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. I draw your attention to Standing Order 17, which provides:

> Whenever the House is informed by the Clerk at the Table of the absence of the Speaker, the Chairman of Committees as Deputy Speaker performs the duties and exercises the authority of the Speaker in relation to all proceedings of the House but gives place to the Speaker on his/her return.

First, have we been given notice by the Clerk of the absence of the Speaker? Secondly, since the Speaker is now in the Chamber, are you not required by Standing Order 17 to give place to him?

The DEPUTY SPEAKER: No, the notice to be given by the Clerk of the House is given when the Speaker is officially absent from the House and not incidentally in the course of business. The Speaker came into the House to determine whether there were any specific problems related to the behaviour of members in the House. The Deputy Speaker has advised the Speaker 'No.' The Speaker himself was in fact in the course of leaving the Chamber. There is no problem, but I take the honourable member's point of order.

The Hon. S.J. BAKER: The explanation continues:

Clause 17: Interruptible contracts

This clause defines an interruptible contract. It is a contract which is liable to be interrupted or curtailed on short notice. In the case of an interruptible contract, other proponents and pipeline users do not have to be notified.

Clause 18: Limitation on assignment

A right of access under an access contract or award may only be assigned by the operator's acceptance of an access proposal made by the proposed assignee.

Clause 19: Access dispute

This clause sets out the circumstances in which an access dispute exists. Essentially, a dispute exists after negotiations have broken down. Where there is an access dispute, a proponent may request the regulator to refer it to arbitration.

Clause 20: Presumptive dispute in case of competing access proposals

An access dispute exists if there are two or more proposals and there is not enough capacity in the pipeline to meet them both or all. A proponent may request that all proposals be dealt with as one dispute.

Clause 21: Reference of dispute to arbitration

On receipt of a request, the regulator must refer an access dispute to an arbitrator. The arbitrator must be properly qualified to deal with the dispute. The regulator must consult on the suitability of the arbitrator before making the appointment. The regulator is not obliged to refer a dispute to arbitration if it is trivial, misconceived or lacking in substance or there are other good reasons why the dispute should not be referred to arbitration. Reference of a dispute to arbitration can be deferred pending conciliation under the Industry Code of Practice or on some other basis. The regulator is not to refer a dispute to arbitration if the proponent notifies the regulator that the proponent does not wish to proceed.

Clause 22: Principles to be taken into account

This clause sets out principles which an arbitrator must take into account.

Clause 23: Parties to arbitration

This clause defines the parties to an arbitration. These are the proponent, the operator, other proponents, pipeline users and

any other person the arbitrator considers it appropriate to join. A party can seek leave of the arbitrator to withdraw if its interests are not materially affected.

Clause 24: Representation

A party may be represented by a lawyer or, by leave, another representative.

Clause 25: Minister's right to participate

The Minister has the right to call evidence and make representations in arbitration proceedings.

Clause 26: Arbitrator's duty to act expeditiously

The arbitrator must proceed with the arbitration as quickly as possible.

Clause 27: Hearing to be in private

The proceedings are to be in private unless all parties agree. The arbitrator may give directions about who may be present.

Clause 28: Procedure on arbitration

An arbitrator is not bound by technicalities or rules of evidence. The arbitrator may inform himself or herself in such manner as he or she thinks fit.

Clause 29: Procedural powers of arbitrator

The arbitrator has power to direct procedure including delivery of documents and discovery and inspection of documents. The arbitrator may obtain a report of an expert on any question. The arbitrator may proceed in the absence of a party provided that party has been given notice of the proceedings. The arbitrator may engage a lawyer to provide advice on the conduct of the arbitration and to assist in the drafting of the award.

Clause 30: Giving of relevant documents to the arbitrator

A party to an arbitration may give the arbitrator a copy of all documents (including confidential documents) relevant to the dispute.

Clause 31: Power to obtain information and documents

The arbitrator may require information and documents to be produced and may require a person to attend to give evidence. Information need not be given or documents need not be produced where the information or contents are subject to legal professional privilege or tend to incriminate the person concerned of an offence. The person concerned is required to give grounds of objection to providing information or producing documents.

Clause 32: Confidentiality of information

The arbitrator is given power to impose conditions limiting access to or disclosure of information or documents.

Clause 33: Termination of arbitration in cases of triviality

Where the dispute is trivial, misconceived or lacking in substance, or where the person on whose application the dispute is referred to arbitration has not engaged in negotiations in good faith, the arbitrator may terminate the arbitration. The arbitrator may also terminate the arbitration by consent of all parties.

Clause 34: Proponent's right to terminate arbitration

A proponent has the right to terminate an arbitration on notice to the other parties, the arbitrator and the regulator.

Mr CLARKE: Mr Speaker, I draw your attention to the state of the House.

The Hon. S.J. BAKER: On a point of order, Mr Deputy Speaker, a quorum was called for less than 10 minutes ago. I understand there is a time limitation as to when a member can draw the state of the House to the attention of the Chair.

The DEPUTY SPEAKER: There is no time limit these days, I am sorry.

A quorum having been formed:

The Hon. S.J. BAKER: Clause 35: Awards

Before an award is made a draft must be circulated to the parties and the Minister to enable representations to be made.

An award must be in writing and must set out the reasons for it.

If access is to be granted, the award must set out the conditions.

A copy of the award must be given to the regulator and the parties.

Clause 36: Restrictions on awards

An arbitrator cannot make an award that would require the operator to bear the capital cost of increasing the capacity of the pipeline unless the operator otherwise agrees.

An arbitrator cannot make an award that would prejudice the rights of an existing pipeline user unless the pipeline user agrees or unless the pipeline user's entitlement to haulage services exceeds the entitlement that the pipeline user actually needs and there is no reasonable likelihood that the pipeline user will need to use the excess entitlement and the proponent's requirement cannot otherwise be met satisfactorily.

Clause 37: Consent awards

An award can be made by consent if the arbitrator is satisfied that the award is appropriate in the circumstances.

Clause 38: Proponent's option to withdraw from award

After an award is made, the proponent has seven days within which to withdraw from it. In that event the award is rescinded and the proponent is precluded from making an access proposal within 12 months unless the regulator agrees. The regulator may impose terms.

Clause 39: Variation of award

The regulator can vary an award if all parties affected by the variation agree.

If the parties to the proposed variation do not agree, the regulator may refer the dispute to arbitration.

The regulator need not refer the dispute to arbitration if there is no sufficient reason for doing so.

The arbitration provisions of the Bill apply to a proposal for a variation referred to arbitration.

Clause 40: Appeal from award on question of law

An appeal to the Supreme Court is allowed only on a question of law. An award or decision of an arbitrator cannot be challenged or called in question except by appeal under this clause.

Clause 41: Costs

The costs of the arbitration are the fees, costs and expenses of the arbitrator, including the fees costs and expenses of any expert or lawyer engaged to assist the arbitrator.

In an arbitration, costs are at the discretion of the arbitrator except where the proponent terminates an arbitration or elects not to be bound. In that case the proponent bears the costs in their entirety.

The regulator may recover the costs of an arbitration as a debt.

Clause 42: Removal and replacement of arbitrator

An arbitrator may be removed from office if he becomes incapable of performing his duties, is convicted of an indictable offence or becomes bankrupt.

If an arbitrator is removed from office, the regulator is empowered to appoint another in his or her place.

Clause 43: Non-application of Commercial Arbitration Act 1986

This clause provides that the Commercial Arbitration Act 1986 does not apply.

Clause 44: Regulator's duty to monitor haulage charge

This clause requires the regulator to keep haulage charges under review.

Clause 45: Copies of access contracts to be supplied to regulator
This clause requires copies of haulage contracts to be provided to the regulator on a confidential basis.

Clause 46: Operator's duty to supply information and documents
This clause requires the operator to give to the regulator specified information and copies of documents relating to the provision of haulage services.

Clause 47: Confidentiality
This clause requires the operator to maintain confidential information as confidential.

The regulator may, however, give confidential information to the Minister if in the public interest to do so.

Clause 48: Duty to report to Minister
This clause requires the regulator to report annually to the Minister on haulage charges.

The regulator may at any time and must at the request of the Minister report on haulage charges or any other aspect of the operation of the Act.

Clause 49: Injunctive remedies
This clause empowers the Supreme Court to grant injunctive remedies if required to enforce the Act or the terms of an award.

Clause 50: Compensation
This clause enables the Supreme Court to order compensation to any person where there has been a breach of the Act or an award made under the Act.

An order may be made against all persons involved in the contravention.

Clause 51: Enforcement of arbitrator's requirements
If a person fails to comply with an order or direction of an arbitrator, the failure to comply can be certified to the Supreme Court which can then inquire into the matter and make appropriate orders.

Clause 52: Application of Act to joint ventures
This clause makes provision for the joint and several liability of participants in a joint venture. The clause also facilitates the giving and receiving of notice from participants in a joint venture by requiring an agent to be nominated to represent the group.

Clause 53: Regulations
This clause empowers the Governor to make regulations for the purposes of the Act.

Mr CLARKE secured the adjournment of the debate.

PIPELINES AUTHORITY (SALE OF PIPELINES) AMENDMENT BILL

The Hon. S.J. BAKER (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Pipelines Authority Act 1967. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

Mr Clarke: Not granted.

The DEPUTY SPEAKER: Leave is not granted. The Deputy Premier.

The Hon. S.J. BAKER: This Bill provides for the eventual sale of the Moomba-Adelaide and Katnook natural gas pipelines, supporting assets and pipelines business of the Pipelines Authority of South Australia (PASA). This asset sale, which the Government intends to conclude by the middle of this year, is an important element in the Government's program, mandated during the 1993 election, to return South Australia's economy to one of growth and prosperity.

The Government's program involves a substantial effort to reduce the State's debt, which blew out of all proportions with the economic disasters which occurred during the late 1980s. I should underline that it was the extreme fault of the Labor Party. PASA was formed in the late 1960s when it was necessary for the Government of the day to provide infrastructure for the development of the then newly discovered natural gas riches in the far north-east of the State at Gidgealpa and Moomba in the Cooper Basin. After some 25 years of operations and development, it is now an appropriate time for this Government, and Governments generally within Australia, to get out of the gas business and let the private sector take the running to develop the industry further through competition and commercial venture.

With the appropriate checks and balance mechanisms in place, it is now unnecessary for the Government to remain in the gas pipeline business. Indeed, it is argued that the only way that the full potential of the industry and its economic benefits to the State will be achieved is through significant private sector participation. As we have seen only too well within this State, Governments may be well equipped to provide infrastructure but deal poorly with commercial risk, as we have seen time and again by Bannon, Rann and some of his henchmen.

Mr ATKINSON: On a point of order, Sir, the Deputy Premier referred to a member of the House by surname and not by status or electorate.

The DEPUTY SPEAKER: The honourable member is correct on one count. The Deputy Premier did use two names: one is a past member and, as such, is outside the sanctions of the House; the other is still a member of the House, and I ask the Deputy Premier to use the correct designation.

The Hon. G.A. Ingerson: The Leader of the Opposition doesn't have any status here.

The Hon. S.J. BAKER: No, he doesn't, does he. Of course, PASA's existing operations remain a vital ingredient—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I can assure the member for Spence that he will never have any status on this side of the House.

An honourable member interjecting:

The Hon. S.J. BAKER: They remain a vital ingredient to the State's economic development and its day-to-day continued supply of energy. This will not be handed over to the private sector in any carefree manner. Actually, there is a raffle going on on the other side of the House as to who will take the next spot up here.

Members interjecting:

The Hon. S.J. BAKER: The member for Elizabeth is the hot tip.

Members interjecting:

The DEPUTY SPEAKER: Thank you, members.

The Hon. S.J. BAKER: We should actually start a book on this, Mr Deputy Speaker. I understand that they all hate each other on the other side, so it is a matter of who can get the numbers.

Mr Meier interjecting:

The Hon. S.J. BAKER: It exudes it. I am again straying from a very important matter. The new owners of the pipelines, whoever they may turn out to be, will be subject

to the rigours of the pipeline licence provisions. In selecting a purchaser, the Government will not be driven by price alone. Although this will be a key objective of the sale, of equal standing will be the following objectives:

- economic benefits to South Australia;
- public safety;
- a pro-competitive ownership structure within the gas industry;
- fair and equitable treatment of employees;
- minimisation of any Government ongoing liability from its former ownership of the assets and business;
- maintenance of good relations with existing suppliers and customers; and
- achieving a timely sale.

The Government is aware of the sensitivities of employment issues in this asset sale. The PASA work force contains specialist pipeline skills and these are expected to be required by the purchaser of the pipelines. PASA's employees and management have worked closely together to achieve substantial productivity gains which has assisted in making PASA an attractive purchase option for companies seeking to enter the gas industry or for those seeking to expand their operations to take advantage of the exciting developments which are occurring, and will continue to occur, within Australia. Indeed, substantial interest has been expressed from national and international companies in this sale.

However, apart from seeking some undertakings from the ultimate purchaser regarding job security and the realistic expectation that the purchaser will require the majority of the PASA skills for its continued operation, the purchaser will not be obligated to offer everyone employment nor will the employees be obliged to transfer to the new owner.

For its part the owner will be required to offer comparable remuneration arrangements where employment offers are made, and as I have intimated will be required to guarantee employment for a minimum of 2 years to those employees who transfer to the new owner. Where employees do not transfer, they will be offered redeployment to suitable positions elsewhere within the State Government or voluntary separation.

Notwithstanding these arrangements, the Government aims to see that the majority of the existing employees stay with the business and is confident that PASA's existing employees will wish to remain in the gas industry, which as I have indicated is expected to provide accelerated growth under private ownership and expanded career opportunities.

The precise employment terms for transferring employees will be a matter between them and their new employer, but will be subject to certain minimum guidelines set by the Government. Such employees who are members of the State's contributory superannuation schemes will be able to preserve their benefits under the existing resignation preservation or alternative lump sum provisions of those schemes. This will ensure that there is a 'clean break' at the time of sale from the Government.

PASA also has a 'gas merchant' function at present. That is to say, PASA currently buys and sells gas, as well as transports it. The gas purchase and sale arrangements are quite complex and involve multiple contracts and multiple parties. For simplicity in the proposed sale, and in order to protect existing contractual rights and obligations, PASA's gas merchant function is to be separated from its gas transportation business and will be retained by the Government, at least for the time being. No further decision has been taken at this time regarding the future of this gas merchant business, although it is the Government's aim for new gas purchase and sale contracts to be directly between producer and distributor or gas end user. However, there may be some circumstances where the Government may choose to contract for gas as a last option in order to protect the public interest.

In order to preserve the sanctity of existing purchase and sale contracts, the Bill seeks to reconstitute PASA as the Natural Gas Authority of South Australia (NGASA) as a sole corporation constituted by the Minister to whom the administration of the Act is committed from time to time.

NGASA will not require a Board and will be supported by an existing administrative unit, yet to be determined. Up to five of PASA's existing employees are expected to be redeployed to that administrative unit to undertake the residual work of NGASA. These employees' remuneration, conditions and service continuity will be preserved. Where an employee's salary is above State Public Service standards, it will be 'pegged' to provide for catch-up.

The Bill also seeks to provide certainty to the new owner that it will acquire with the assets wholesome property rights. This is done through the establishment of a statutory easement which adheres as closely as possible to existing easements held by PASA, which the statutory easement will replace. This follows similar precedents in South Australia and elsewhere in Australia.

This Bill paves the way for a successful sale of PASA's assets and an important contribution to the Government's mandated program of getting South Australia back on its feet. As an added bonus, the transmission of gas by pipeline is expanding within Australia and is increasingly performed very successfully by the private sector and this asset sale fits quite comfortably with the national agenda for micro-economic reform and competition policy. I commend this Bill to the House. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

Mr CLARKE: No.

The DEPUTY SPEAKER: Leave is not granted. The honourable Treasurer.

The Hon. S.J. BAKER: The explanation of the clauses is as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to come into operation on a day to be fixed by proclamation.

Clause 3: Interpretation

Substitution of s.1. This clause amends the short title to the Pipelines Authority Act 1967 to 'Natural Gas Authority Act 1967'.

Clause 4: Insertion of heading

This clause is formal.

Clause 5: Amendment of s.3—Interpretation

This clause amends s.3 of the principal Act dealing with defined terms.

'Asset' and 'liability' are given expansive meanings.

'Authority' means the Pipelines Authority of South Australia continuing in existence under the name 'Natural Gas Authority of South Australia'.

'Katnook pipeline' means the Katnook natural gas pipeline as delineated in Schedule 3.

'Minister' means the Minister for the time being responsible for the administration of the Act but where the Governor assigns a particular function to a minister, 'Min-

ister' means the minister to which such function is assigned.

'Moomba-Adelaide pipeline' means the Moomba-Adelaide pipeline delineated also in Schedule 3.

'Designated pipeline' refers to each of the two pipelines referred to.

'Operator' of a pipeline means a body corporate licensed as operator under the Petroleum Act 1940.

'Pipeline lease' means a perpetual lease granted under s.36 as title to compressor stations and other facilities associated with the Moomba-Adelaide pipeline.

'Servient land' means the land subject to a statutory easement created under Part 4.

'Transferred asset' and 'transferred liability' encompass assets and liabilities transferred under this measure.

Clause 6: Repeal of ss.4—9 and insertion of new Part

This clause repeals provisions of the Pipelines Authority Act dealing with the Board, the common seal, remuneration of members of the Board and power to appoint officers and servants.

The Authority is to continue in existence as the 'Natural Gas Authority of South Australia'. It is to be a body corporate with full capacity and is to have a common seal.

The Authority will be a corporation sole constituted of the Minister and will hold its property for and on behalf of the Crown. It will cease to require a board and the Minister will act in place of the board.

Clause 7: Repeal of ss.10—11 and substitution of new Part

Sections 10, 10aa, 10a and 11 of the principal Act dealing with functions and powers and the application of the Petroleum Act are to be repealed.

Under a new s.10, the Authority will have a sufficient power to fulfil its obligations under existing gas sales and other outstanding contracts.

Clause 8: Repeal of s.12 & 14

This clause repeals s.12 of the principal Act which contains a power of compulsory acquisition for construction of a pipeline and related petroleum storage facilities. In future, the power of acquisition contained in the Petroleum Act will be relied upon.

It also repeals s.14 dealing with borrowing arrangements on the part of the Authority.

Clause 9: Repeal of ss.15—20

This clause repeals ss.15—20 of the principal Act.

S.15 of the principal Act deals with certain special obligations and powers of the Authority relating to the construction of the Moomba-Adelaide pipeline and other matters.

S.16 of the principal Act requires the preparation of annual accounts and an annual report to Parliament. It is envisaged that after the passing of the amending Act the Authority, being constituted of the Minister, will be brought under the control of a department and its activities reporter on as part of the departmental report. The requirement to keep accounts and to have them regularly audited is dealt with in the Public Finance and Audit Act 1987.

S.17 of the principal Act deals with the resumption of certain Crown lands for the purposes of the Act and the grant of licences on property of the Authority.

S.18 of the principal Act makes the Authority liable for rates and land tax.

Clause 10: Insertion of new Parts

This clause adds a number of additional sections to the principal Act. These are as follows—

New s.21: Creation of statutory easements

This section creates a statutory easement over both the Moomba-Adelaide pipeline and the Katnook pipeline in favour of the Authority as owner. The new statutory easement must be dealt with together with the pipeline and cannot be dealt with independently of it without the Minister's consent. Provision is made for the surrender of the statutory easement and for the addition of land for the purposes of the easement, eg. in case of a realignment of the pipeline.

New s.22: Land subject to statutory easement

Section 22 defines the statutory easement as extending along the entire length of the pipeline in each case and extending laterally from the pipeline at various widths in accordance with the description and plan set out in Schedule 3.

The land covered by the statutory easement also includes any other land over which the Authority held an easement for the purposes of the pipeline as at the commencement of the amending Act.

If a building, structure or fixture not associated with the operation of the pipeline is lawfully on the land covered by the statutory easement before the commencement of the amending Act, the land on which that building, structure or fixture stands is not part of the land subject to the easement.

The Minister is authorised, by notice in the *Gazette*, within 3 months after the commencement of the amending Act, to vary the boundaries of the easement to avoid conflicts or possible conflicts between the rights conferred by the easement and other rights and interests.

New s.23: Rights conferred by statutory easement

Rights conferred by the statutory easement are set out in s.23. Essentially, these rights are to install, maintain and operate the pipeline and to maintain associated equipment such as facilities for cathodic protection, equipment for the transmission of electricity or providing water and fences and other protective structures on the servient land, and also on other land within five kilometres of the pipeline ('the outlying land').

Provision is made for compensation as assessed by the Magistrates Court to be paid for the installation of associated equipment on the outlying land after the commencement of the amending Act.

Provision is made enabling the holder of the easement to obtain water necessary for domestic requirements at living quarters along the pipeline route from a natural source, reservoir or bore on Crown land. Compensation for water taken is to be determined by agreement or in default by the Magistrates Court.

New s.24: Effect of statutory easement on existing interests etc

The statutory easement extinguishes documentary easements in favour of the Authority over the land covered by it.

Rights related to the Stony Point Liquids Pipeline are preserved to the extent that they may be exercised consistently with the rights conferred by the statutory easement.

If an instrument creating an easement contains a covenant indemnifying other persons interested in the land from liability in respect of the pipeline, those covenants are preserved but are enforceable only against the owner of the pipeline at the time the relevant loss or damage occurs.

If a documentary easement registered under the Real Property Act is extinguished, the Registrar-General is required on application to cancel the relevant registration.

Dedication of Crown land before the commencement of the amending Act for the purpose of either the Moomba-Adelaide or Katnook pipeline is revoked.

The licence granted by the Crown, a statutory authority or a council to permit the installation of the pipeline is revoked in relation to land covered by the statutory easement.

New s.25: Registrar-General to note statutory easement

This section makes provision for the endorsement by the Registrar-General of a note on certificates of title affected of the existence of the statutory easement.

New s.26: Registration of statutory easement or part of statutory easement

This section enables the owner of the easement to formally register it on certificates of title affected and enables a certificate of title for the easement as an easement in gross to issue in the name of the owner of the easement.

New s.27: Minimisation of damage etc

This section requires a person exercising rights under the statutory easement to take reasonable steps to minimise damage to land (including pastures and native vegetation) from work carried out in relation to the pipeline and to avoid unnecessary interference with land or its use or enjoyment by others from the exercise of rights conferred by the statutory easement.

A provision is included preventing a person exercising rights under the statutory easement from engaging in activities involving substantial destruction of vegetation on the land covered by the statutory easement unless it is essential to do so or unless the Minister approves.

New s.28: Sale of assets

This section authorises the Treasurer to sell assets and liabilities of the Authority to a purchaser. This section enables the Treasurer to sell and transfer assets and liabilities of the Authority even though the Treasurer is not the owner of those assets and liabilities.

The transfer of an asset or liability under this section will operate by force of the Act and despite the provisions of any other law or instrument.

The transfer of a liability under this section will operate to discharge the Authority from the liability.

New s.29: Transferred instruments

Provision is made in the legislation for a sale agreement to identify transferred instruments. Any instrument declared in such an agreement to be a transferred instrument will operate, as from the date specified, as if references in the instrument to the Authority were references to the purchaser.

New s.30: Grant of pipeline licence

This section provides for a new pipeline licence to be granted to a purchaser and for the existing licence in favour of the Authority to be revoked.

New s.31: Registrar's duty to record vesting of land

This section enables any land (other than the statutory easement) transferred by the operation of a sale agreement under the Act to be recorded in the Lands Titles Office as having vested in the purchaser.

New s.32: Evidence

This section permits the Treasurer or a person authorised by him to give a certificate as to a transferred asset or liability or a transferred instrument. Such a certificate is to be acted upon by courts, administrative officials and others.

New s.33: Saving provisions

This section provides that nothing done or allowed in accordance with Part 5 or a sale agreement:

(a) constitutes a breach or default under any Act or other law;
(b) constitutes a breach or default under a pre-existing contract, agreement or understanding etc;
(c) constitutes a breach of a duty of confidence;
(d) constitutes a civil or criminal wrong;
(e) terminates an agreement or obligation or fulfils the condition that allows a person to terminate an agreement or obligation;
(f) gives rise to any other right or remedy.

New s.34: Dissolution of the Authority

This section enables the Governor by proclamation to dissolve the Authority and vest its remaining assets and liabilities in an authority or person nominated in a proclamation. Any remaining assets vest in the Crown.

Any statutory powers that might have been exercised by the Authority will, after its dissolution, be exercisable by the Minister.

New s.35: Act to apply despite Real Property Act 1886

This section provides that the Act applies to land whether or not it is brought under the provisions of the Real Property Act.

The statutory easement is valid despite anything contained in the Real Property Act.

New s.36: Pipeline leases

This section authorises the grant of perpetual leases over lands for the purpose of metering stations, living quarters, airstrips and other facilities in conjunction with the operation of the pipeline.

The holder of a perpetual lease will be entitled to reasonable access to the land comprised in the lease.

The grant of a pipeline lease will have the effect of revoking any existing sublease or other Crown tenement that might exist and also will have the effect of revoking any existing dedication of Crown land in respect of the area covered by the perpetual lease. A perpetual lease will, in the first instance, be granted to the Authority and will then be dealt with as part of the assets and liabilities to be sold.

A pipeline lease can only be dealt with with the consent of the Minister.

If it is necessary to preserve an existing Crown tenement or dedication from the operation of the section, the Minister may do so by notice published in the *Gazette*.

New s.37: Grant of licences by the Authority

This section is substantially in the form of ss.17(3) and (4) of the principal Act.

The section permits the Authority to authorise another to use easements to facilitate the construction and operation of another pipeline (eg. the Stony Point pipeline).

New s.38: Aboriginal interests

The rights of aboriginal people to engage in traditional pursuits is preserved. It is not intended to adversely affect those rights.

New s.39: Interaction between this Act and other Acts

A transaction to dispose of assets or liabilities of the Authority is not to be subject to the Land and Business (Sale and Conveyancing) Act 1994 which provides for the giving of certain notices on the sale of land.

Consent under Part 4 of the Development Act (dealing with the subdivision of land) is not to apply to a transaction under this Act.

This Act is not intended to derogate from requirements under the Petroleum Act 1940 about safety or the protection of the environment.

New s.40: Joint ventures

Provision is made here for the joint and several liability of participants in a joint venture. The section also facilitates the giving and receiving of notice from participants in a joint venture by requiring an agent to be nominated to represent the group.

New s.41: Exclusion of liability

This section provides that the exercise of rights under the Act does not give any right to compensation. Compensation is provided for in 2 instances in the new s.23.

New s.42: Authority's immunities

This section is a re-enactment of s.20 of the principal Act. It preserves the Authority's immunity in respect of an interruption of or failure in supply of petroleum.

New s.36: Regulations

This section contains power to make regulations and provides that a regulation may impose a fine for breach of not more than a Division 7 fine.

Clause 11: Renumbering

This clause provides for renumbering of the principal Act.

Clause 12: Insertion of Schedules

This clause provides for the insertion of schedules.

Schedule 1 deals with a number of consequential amendments to the Petroleum Act 1940 and an explanation of these is as follows:

Schedule 1

Clause 1: Amendment of s.80ca

This clause contains two new definitions.

'Easement' includes the statutory easement under the Pipelines Authority Act 1967.

'Pipeline land' includes an easement.

Clause 2: Amendment of s.80d—Requirement to hold licence

This amendment makes it clear that the obligation to hold a licence under the Act applies to one who constructs or operates a pipeline through the agency or instrumentality of another.

This amendment also provides that a pipeline licence may only be held by a body corporate.

Clause 3: Insertion of s.80ia

This section provides that joint venture participants who hold a pipeline licence under the Act are jointly and severally liable for the obligations under the Act. Provision is also made for nomination of a representative to give and receive notices on behalf of the participants in the joint venture.

Clause 4: Amendment to s.80j—Acquisition of land

This amendment ensures that where an easement is acquired for the construction or operation of a pipeline, there is no need for the easement to be made appurtenant to any other land.

The amendment also provides that a statutory power to resume land subject to lease under the Crown Lands Act 1929 and the Pastoral Land Management and Conservation Act 1989 may be exercised as if land required for a pipeline were a public purpose.

Clause 5:

Insertion of section 80qa: Pipeline to be a chattel

A pipeline under the Act is, although affixed to the soil, deemed to be a chattel.

Insertion of section 80qb: Dealing with pipeline

A pipeline and pipeline land cannot be dealt with without the Minister's written approval. This provision has no application to the Moomba-Stony Point liquids line which is subject to Pipeline Licence No. 2.

Insertion of section 80qc: Resumption of pipeline

This section enables the Minister to resume a pipeline if it is not used for a continuous period of at least three years. This would occur when operations have ceased and the pipeline is abandoned. If the Minister decides to resume the pipeline and give notice to that effect, the owner has the right within six months to take up the pipeline and associated structures but must restore the land to its former condition. At the expiration of the six month period, the Minister may require the owner of the pipeline to remove buildings, structures and fixtures associated with it (but not the pipeline itself) and restore the land to its former condition. In default, the Minister may carry out the work and recover the cost from the owner. At the expiration of the six month period referred to, the Minister may vest the pipeline land and any structures in the Crown. No compensation is payable for divestiture of property under this section. Where the easement is vested in the Crown, the Minister may surrender it or any part of it to the owner of the land in question.

Schedule 2

Schedule 2 deals with staff and superannuation.

Clause 1: Interpretation

This clause sets out definitions used in Schedule 2.

Clause 2: Transfer of certain staff

This clause deals with staff who are not taken over by the purchaser of the Moomba-Adelaide pipeline. It enables the Commissioner for Public Employment to transfer an employee or group of employees to an administrative unit in the Public Service by an order in writing. The order must be made within three months of completion of the sale of the Moomba-Adelaide pipeline. Where such an order is made, continuity of service and entitlements to long service leave and annual leave are preserved. These provisions have no application to employees transferring to the employment of a purchaser of the Moomba-Adelaide pipeline or to the employment of a nominated employer (that is, an employer nominated by the purchaser).

Clause 3: Superannuation—State scheme contributors 55 years of age and over

This clause applies only to State scheme contributors of 55 years and over. Entitlements of State scheme contributors who are employees of the authority and who transfer to the employment of the purchaser of the Moomba-Adelaide pipeline or a nominated employer do not crystallise on resignation from employment by the authority but crystallisation is postponed until termination of employment with the purchaser or nominated employer. On termination of employment with the purchaser or nominated employer (other than by death), an old scheme contributor is entitled to a pension under section 34 of the Superannuation Act 1988 and a new scheme contributor is entitled to a lump sum benefit under section 27 of that Act.

For the purposes of applying those sections, the benefit is calculated on the basis of the contributor's actual or attributed salary at the time of the transfer of employment from the authority to the purchaser or nominated employer and indexed according to CPI up to the date of cessation of employment with the purchaser or nominated employer. In the case of death, benefits will be paid having regard to the same salary to the contributor's beneficiaries in accordance with section 38 in the case of old scheme contributors and section 32 in the case of new scheme contributors. These sections provide for benefits to the deceased contributor's family.

A new scheme contributor on retirement from the employment of the purchaser or nominated employer (or persons entitled in the case of death) is entitled to the additional benefit provided for in section 32A of the Superannuation Act 1988. As an alternative to the above benefits, a State scheme contributor who has reached 55 years of age has the option to take a lump sum under section 28A of the Superannuation Act 1988.

Clause 4: Superannuation—State scheme contributors under 55 years of age

This clause applies only to State scheme contributors who have not reached 55 years of age. A State scheme contributor under 55 years of age, who is an old scheme contributor and who is transferring to the employment of the purchaser of the Moomba-Adelaide pipeline or a nominated employer, is entitled to elect to preserve his or her benefits under the Superannuation Act 1988 or to receive a lump sum under section 39A of that Act.

A State scheme contributor under 55, who is a new scheme contributor and who is transferring to the employment of the purchaser of the Moomba-Adelaide pipeline or a nominated employer, is entitled to elect to preserve his or her benefits under the Superannuation Act 1988, to receive a lump sum under section 28A or to carry over accrued superannuation benefits to some other complying superannuation fund. Where benefits are preserved, they do not become payable to the contributor until he or she:

(a) ceases to be an employee of the purchaser or nominated employer and reaches the age of 55 years;
(b) dies; or
(c) becomes totally and permanently incapacitated for work and ceases to be an employee of the purchaser or nominated employer.

Clause 5: Non-application of certain provisions of the Superannuation Act 1988

Parts 4 and 5 of the Superannuation Act 1988 apply to employees transferring to a purchaser or nominated employer only to the extent that they are made applicable by the provisions of clauses 3 and 4 of the Schedule.

Mr CLARKE secured the adjournment of the debate.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Construction Industry Long Service Leave Act 1987. Read a first time.

The Hon. G.A. INGERSON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill seeks to build upon the success of the Construction Industry Long Service Leave Scheme first established in 1977. It proposes to further modernise the scheme by improving its operational effectiveness and introducing flexibilities in the context of the newly available enterprise agreements under the Industrial and Employee Relations Act, 1994. The success of the scheme to date has enabled a wide range of proposals to be introduced which will reduce the cost of the scheme to employers and extend the scheme to certain categories of persons not previously able to access its benefits.

A major feature of the Bill is the proposal to combine the Construction Industry Fund with the parallel fund the Electrical and Metal Trades Fund.

Since July 1990, the Construction Industry Long Service Leave Board has been responsible for the administration of both of these funds. It is now proposed to combine these funds in order to achieve efficiencies in the administrative costs associated with servicing the funds separately . This decision has been taken having regard to the total funds' surplus of approximately $5.8 million. As a consequence of this particular proposal the new Scheme's definition of electrical and metal trades work is to be confined to installation work only. This change is fully supported by the industry following detailed consultation through a tripartite industry working party.

Further initiatives proposed in the Bill to streamline the operation of the scheme include the simplification of reporting requirements by employers regarding employees who are members of the scheme, increased flexibility for the Board in the auditing of its accounts and decision making regarding investments and new provisions giving the industry parties the flexibility to make provision for the scheme in the making of enterprise agreements under the Industrial and Employee Relations Act, 1994.

The Bill provides for employers reporting requirements to be simplified to a system of days of service rather than hours worked by employees. These changes will greatly simplify the return process for employers and the operation of the national reciprocal agreement which provides for the transferability of service credits between schemes in different States.

It is proposed to enable the Board to appoint its own auditor while retaining the power for the Auditor-General to audit reports on demand. The audited accounts will continue to be presented to Parliament each year in the Board's annual report.

The current formality of the Board seeking Treasury approval prior to making investments on behalf of the Fund has resulted in a loss of investment earnings for timing reasons and is proposed to be removed. The Bill proposes to replace this requirement with a more flexible provision empowering the Treasurer to set guidelines and policy binding the Board in relation to the investment of the Fund.

The recent availability of enterprise agreements has prompted a request from the Board to acknowledge rates of remuneration set outside of awards.

The Bill reflects a proposal put by the Board to the Government to retain the existing definition of remuneration but set payments to employees under enterprise agreements on the employee's weekly remuneration averaged over the previous twelve months. This will integrate new wage rates as result of employees moving from an award to an enterprise agreement. Employer levies are to be based on the actual rate of remuneration of an employee as prescribed by either the award rate or an enterprise agreement, as the case may be.

In response to industry requests to the Board, the Bill proposes to enable self employed contractors within the industry to register with the Scheme on a voluntary basis. The Bill also proposes to allow industry employees who are temporarily seconded for employment by trade unions for periods of less than 3 years and employees transferring to supervisory positions to maintain registration with the Scheme.

While the scope of the scheme will continue to include apprentices employed in the industry it is proposed to amend the Act in order to remove the requirement to pay levies on behalf of apprentices, an initiative which should encourage employment in this industry.

The Bill proposes one final adjustment to the scope of the fund. In response to the growing trend for construction industry work to be performed off-site the Board has sought to recognise prescribed classifications of work contained awards previously proposed for off-site coverage. The Bill proposes that registration under the scheme by these employees working in the specified classifications of specified awards, be on a voluntary basis only.

Notwithstanding that employers will be paying levies with respect to a wider range of employee classifications, it has been recommended by the Board and supported by the Government that the levy rate applicable under this scheme will be reduced by 0.25 per cent. This will be achieved by amendment to regulations under the Act. The combination of these amendments will result in both a net benefit to employees and a net saving to employers.

All proposals contained in this Bill have been the subject of an extensive review by the tripartite Construction Industry Long Service Leave Board, who with the Government have consulted extensively with the broader construction industry. There is general support from all parties for the proposals contained in this Bill.

I commend this Bill to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause provides for the short title of the measure.

Clause 2: Commencement

This Act will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause relates to various definitions and concepts that apply to the principal Act. Various definitions are to be amended to provide

consistency with new industrial relations legislation. The definition of "electrical or metal trades work" is to be revised. New paragraph *(a)* of that definition will now apply to electrical or metal work associated with the construction or erection of particular buildings or structures, or the alteration or demolition of a building or structure. It will replace a paragraph that presently includes maintenance, repair and servicing work on plant or equipment. Other adjustments are also proposed to the definition. Another amendment relates to the calculation of periods of effective service. The Act currently operates on the basis of hours worked, and the accumulation of effective service entitlements is expressed in months. It is proposed to change this method of calculation to days worked, on the basis that each period of five or more hours of work will be taken to constitute a day of work. This will simplify the operation of the Act. It is also intended to adjust the way in which ordinary weekly pay is calculated in some cases for the purposes of the Act. The Act currently provides that ordinary weekly pay is (generally) determined by reference to the base rate of pay set out in a relevant award or agreement. This approach will remain for workers under awards. In other cases, ordinary weekly pay will be ascertained by averaging the person's weekly earnings over a preceding period of time (52 weeks). For a person who has not been a construction worker over that period, an average (for workers of the relevant kind) will be applied.

Clause 4: Amendment of s. 5—Application of this Act

Section 5 relates to the application of the Act. New subsection (1A) will allow employers to register, on a voluntary basis, specified classes of workers who are not "guaranteed" the coverage of the Act under subsection (1). New subsection (1B) will allow continuity of coverage for certain persons who are seconded to an association of employees in the construction industry.

Clause 5: Amendment of s. 14—Effective service entitlement

This clause provides for the crediting of effective service entitlements by days (instead of by months). However, a person will not be able to be credited with more than five days of service in a week (and therefore 260 days of service in a year).

Clause 6: Substitution of s. 15

This clause is consequential on the decision to calculate effective service entitlements according to days.

Clause 7: Amendment of s. 16—Long service leave entitlement

This clause reflects the decision to calculate effective service entitlements according to days.

Clause 8: Amendment of s. 17—Cessation of employment

These amendments are consequential on the decision to calculate effective service entitlements according to days.

Clause 9: Substitution of s. 18

This clause provides for the enactment of a new section 18. Section 18 currently relates to workers who become self-employed contractors in the industry. New section 37A will now deal with those persons. However, section 18 is to be applied to persons who cease employment as construction workers and commence work as supervisors in the industry. The effect of the provision will be that in such a case (and subject to the provision), any effective service entitlement will be preserved, and an entitlement will be payable if the person's aggregate period of work in the industry totals 1820 working days (or more).

Clause 10: Substitution of ss. 20 to 20B

Clause 11: Amendment of s. 20C—Exemption from taxes and charges

Clause 12: Substitution of s. 21

Clause 13: Amendment of s. 22—Loans for training purposes

Clause 14: Amendment of s. 23—Borrowing by the Board

Clause 15: Amendment of s. 24—Investigation of the Fund

These clauses make various amendments to combine the Construction Industry Fund and the Electrical and Metal Trades Fund.

Clause 16: Amendment of s. 25—Accounts and audit

This amendment relates to the auditing of the accounts of the Board. It is proposed to allow the accounts to be audited by a registered company auditor, or by the Auditor-General. The Auditor-General will continue to be able to audit the accounts at any time.

Clause 17: Amendment of s. 26—Imposition of levy

New subsection (3)*(b)* is of particular note, as it will provide that a levy will not be payable by an employer in respect of an apprentice, subject to any exception prescribed by the regulations.

Clause 18: Amendment of s. 33—The Appeals Tribunal

This amendment "updates" a provision so as to refer to the Senior Judge of the Industrial Relations Court.

Clause 19: Insertion of new s. 37A

This clause provides a new facility to allow self-employed contractors to participate in the scheme.

Clause 20: Amendment of s. 45—Expiation of offences

This is a consequential amendment.

Clause 21: Insertion of schedule 1A

This schedule sets out the various awards that are relevant to workers who may, by application by the employer, obtain the coverage of the Act.

Clause 22: Substitution of schedule 3

New schedule 3 contains various transitional provisions that are appropriate on account of the enactment of this measure. In particular, any existing effective service entitlement (determined according to months) will be converted to an entitlement expressed according to days. Leave taken on the basis of that entitlement will paid out under the provisions that applied before the enactment of this measure. Clause 3 will ensure that a person who is currently within the ambit of the Act, but who would not otherwise remain under the Act after the commencement of this measure, remains under the Act while he or she remains in the same form of employment.

Mr CLARKE secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST (WATER RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 1721.)

Mr CLARKE (Deputy Leader of the Opposition): I am not the lead speaker for the Opposition; indeed, the lead speaker, the shadow spokesperson, has just arrived in the Chamber. I will take a few minutes with respect to this matter mainly because of my great interest in the Housing Trust and the fact that some 20 per cent of my constituents live in Housing Trust homes. Many of the homes in my electorate were built immediately after the Second World War and do not have water meters installed within them. During the Committee stage I will ask the Minister how an accurate record will be kept with respect to the water usage of my constituents in those homes, and we are talking about a considerable number of homes in my electorate.

There is a significant degree of retrospectivity in the operation of this area, which our lead speaker will outline in far greater detail, but inevitably Housing Trust tenants in my electorate will be significantly affected by the introduction of the new water rating system. The average combined family income in my electorate, based on the 1991 census, shows that the overwhelming majority earn less than $21 000 per annum. Indeed, a significant proportion of the residents in my electorate earn less than $16 000 per annum.

So, the degree of retrospectivity with respect to a vital resource such as water is near and dear to the hearts of my electorate and, in particular, many sole parents and others who are totally dependent on Commonwealth Government benefits. In addition, a number of my constituents who live in Housing Trust homes may be in employment but they work for a wage of about $350 a week gross. The new water rating system that is being introduced by the Government will also have a significant impact on them. I will, no doubt, have more to ask of the Minister in Committee, but the Opposition's lead speaker will be able to outline more fully the Opposition's stance on this Bill.

The DEPUTY SPEAKER: I advise the House that the member for Napier is the lead speaker.

Ms HURLEY (Napier): The Opposition recognises that the South Australian Housing Trust needs to have some ability to charge for the water used by its tenants. There are

good conservation reasons for this that are recognised by many Housing Trust tenants who are already conserving water, and many of them support strongly these conservation principles. Also, from the point of view of equity, the Opposition realises that there must be some charge for the water that people use. However, as the Deputy Leader mentioned, there are some retrospective elements in this Bill to which the Opposition objects. Indeed, retrospectivity is one of the reasons why an amendment is sought to an Act that is subject to repeal in a Bill to be debated later today. In fact, it relates to contracts that are already in existence, and the aspect of retrospectivity is raised because the Government announced the new rating system before it had even considered how it would affect the 60 000-odd tenants of the Housing Trust.

The new water charging system will be for water which has been used from 1 January this year, even though the decision on how it would affect tenants was not announced until 14 February. So during the long hot summer when, as is to be expected, people used more water than normal, although they knew through the media, rumours and the degree of fuss that the Opposition made about it that some changes were perhaps to be made, they were not certain how the new water rating system would affect them. It almost defies belief that the Minister, at the time of making the decision to put these new water rating arrangements into place, was not prepared to consider the needs and interests of Housing Trust tenants. They were so unimportant that they were not informed until nearly two months later.

On the subject of cost, it has been announced that subsidised tenants (that is, Housing Trust tenants who pay a subsidised rate that is less than the full rental amount) will have their water allowance reduced from 200 kilolitres to 136 kilolitres. This measure will cost those tenants up to $56 extra per year while private householders will pay, on average, a further $20.20 per year. The effect of this will be that the poorest most disadvantaged people in our community will be the hardest hit by the new water rating system. They will have to pay almost three times more than most other people in our community. I point out that tenants on a subsidised rental are often single parents or families on a very low income with three, four or five children who might be quite heavy water users. They will have to pay an extra $56 per year, which the Minister during his second reading explanation dismissed as a mere $1 a week. As the Deputy Leader said, for those people on a very low income (many earn a combined family income of $16 000 a year or less), that $1 will make an enormous difference. So, the Opposition does not accept that arrangement, and it signals that it will oppose the regulation to give effect to that.

The Deputy Leader also touched on the matter of non-metered units. There is a large number of flats and walk-up units in the Housing Trust and older double units that are not separately metered. So, in some communities people will watch their water bills rise while their next door neighbour will get free water and will be able to use as much as they like. There is not much equity in that situation, because people who live in separately metered units will have to measure every drop of water and pay for every drop they use over 136 kilolitres while others will be able to use as much as they like. This is not to say that Housing Trust tenants have a history of recklessly using water. I understand that the average household uses 250 kilolitres whereas the average amongst Housing Trust tenants is 150 kilolitres.

If this measure to reduce families to a water allowance of 136 kilolitres is introduced, not only will domestic water use be stretched but people will not water their garden or take care of their environment. In areas such as the one in which I live, where there is a high proportion of Housing Trust tenants in old trust houses situated on very large blocks—about 50 per cent is common in areas in the northern suburbs—we will see a browning off of our environment, thus bringing about a further reduction in the quality of life of Housing Trust tenants. Yet they will probably still have excess water bills to pay.

I wonder where the much vaunted family impact statement comes into all this? The family impact statement was supposed to give recognition to families in South Australia, and one was to be produced for every measure introduced by this Government. I wonder whether the Minister would like to release the family impact statement that accompanied the proposal for this measure. As I said, because the Opposition recognises the necessity to monitor water use, it will support this Bill, but I also signal that we will oppose the regulation which will reduce the allowance for each householder to 136 kilolitres.

Mrs ROSENBERG (Kaurna): I rise to support this Bill to amend the South Australian Housing Trust Act 1936. The legislation is cited as the South Australian Housing Trust (Water Rates) Amendment Bill 1995. The role of the South Australian Housing Trust is to be a public landlord and to supply stable, long-term housing for the community of South Australia. The South Australian Housing Trust should not adopt the role of allocating water. Under the Act which is to be amended there is a tenancy agreement which prevents the Housing Trust from being able to recover the cost of water consumption. Because of the wording of the 1936 Act, this inability to recover the cost of water usage has cost the Housing Trust $5.84 million per annum.

Sums such as the $5.84 million would be much better not tied up with the EWS but rather going to provide more housing to address the appalling waiting list in South Australia. Currently, over 40 000 people are on the waiting list for a Housing Trust home, and sometimes the wait is up to seven years. There could be no better use for this $5.84 million than to address this waiting list. Our Government has detailed the intention to upgrade various older Housing Trust buildings and to provide new housing. Our priority must be to address the waiting lists and to free up the money that is going to the wrong places. To allow this amount of money to be better used, it is necessary to change the legislation to allow the amounts of water used over the cut off point to be paid for by the tenant.

The new EWS water pricing structure is based on a user-pays system. This has been prompted by two-fold issues: first, to put water consumption in line with other user-pays commodities such as electricity, telephone, petrol, gas and so on; and, secondly, to have an effect on water consumption. I have no doubt that, when one is responsible for paying for the amount of anything one uses, one consciously thinks about the level of use. This must have some effect on the amount of water consumed. Therefore, cost is one incentive for the general community to save water.

The new EWS water policy relates to private tenants paying for all the water they use. In this legislation there is an attempt to move towards some form of equity between private and public tenants. I have had some concern about the user-pays system in regard to those who are unemployed or

otherwise financially disadvantaged. This matter was raised with the Minister, and he has satisfied my inquiries on this issue. The Bill makes some concessions in that regard, namely, the trust will pay for the access charge of $113 relating to the property and will also pay for the first 136 kilolitres of water consumed. Water usage above the 136 kilolitres only will be charged for in relation to public tenants, so there is still an advantage over private tenants. It has been assessed that most of the State's rebated tenants use less than 136 kilolitres *per annum*, and to pay more than they currently pay they would need to use more than 200 kilolitres per year. The estimated cost for that would be about $1 a week. Full rent payers will have no change, provided their usage does not increase above the current usage, because they already pay for water used above the 136 kilolitre limit.

With regard to equity and parity, my constituents have made many representations to me that the most financially disadvantaged in my electorate are the middle of the range salary earners or part-time employed, with private rental and/or a mortgage. The industry commission inquiry tends to support this view by advising that the level of Government subsidy to public tenants is $66 a week compared with $16 a week for low income private tenants. It is a challenge for our Government to bring the fairness and equity of the two groups closer together. The tenants in the walk-up flats, cottage flats and units should not be affected at all by this measure: average consumption is approximately 116 kilolitres *per annum*, so it falls below the allowance the Housing Trust will support.

I am allowed 136 kilolitres of water per year. I live in an average housing area, with an average four bedroom home, with an average family of two adults and two children, and I have never had cause to pay excess water. If I can do it, I believe that any other person in South Australia can do it. I support the Bill, with the concern that I have previously mentioned, and I believe that the Government has chosen a satisfactory compromise and concession rather than going down the path of a complete user-pays system across the board.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank the shadow Minister for Housing for her contribution to the debate. I am pleased that the Opposition has chosen to support the legislation, albeit that it has some concerns about the regulations. The best thing that I can say is that the Government has attempted to tackle this in a practical way. The Housing Trust is not in the business of supplying water; that is not its core business. However, we inherited a situation that had to be addressed so that the finances of the Housing Trust, which ultimately are fed back into support for its customers—its tenants—could be preserved and so that we could achieve an equitable final arrangement for all tenants. When you look at equity, you must look at equity in the public sector as well as in the private sector and realise that, in the private sector, the people who are worse off than the people in the public sector are those tenants who rent privately without subsidies and who are expected to pay for water through the private sector. It is my belief that, for both the public and private sectors, 136 kilolitres is a fair figure. However, I will not debate the issue of the private sector; that is a debate for another day.

The matter of voting against the regulations is an interesting one, because you cannot substitute another number; you either have to agree with it or disagree with it. So, the Opposition cannot come back and say, 'We think another figure is appropriate.' You have to say it is either 136 or nothing. If the Opposition was successful in that proposition, it would be a cost of $1.8 million to the trust straight away. Not only do we have an equity problem but also we have the question of trying to save the runaway of costs so that we can reinvest that money back in the trust.

I raise the point of non-metered units, which was referred to by the Deputy Leader. It is well recognised that the average consumption in non-metered units is 115 kilolitres. We have to analyse this. Every honourable member probably has single accommodation in his or her electorate. The tenants are not required to water their garden. Under the circumstances, 115 kilolitres is not a surprising figure. If those tenants had to service gardens and had some of the other expenses of people in family accommodation, there might be an argument. However, they do not have meters. The Opposition implied that we should put in meters at a cost of millions of dollars, and that is an unreasonable request.

If the Labor Party was on the Treasury benches, it would not even countenance the outlay of millions of dollars to put meters into these small single bedroom flats—in some cases, cottage flats—where people are using only 115 kilolitres a year when that money could be spent elsewhere in the public housing sector. It is a specious argument to ask, 'How much will these people use; how will we keep a track on it?' We know already that they are using only 115 kilolitres, and we know that every tenant in the Housing Trust will be allowed 136 kilolitres free. On top of that, we will pay for them the access fee of $113 a year. In all, the Government has addressed what could have been a difficult financial situation for the trust and come up with what we believe is an excellent compromise which does include equity both for the subsidised and non-subsidised trust tenants. They will pay the same amount. It also includes the potential for equity between the public and private sectors.

The Opposition spokesperson has said a couple of times that we delayed bringing on this measure. Members should consider the sequence of events that took place in relation to the introduction of the new EWS water pricing system. When the proposals were put forward, we moved very quickly to come up with an equitable solution for the Housing Trust. I understand politics and I can understand the honourable member's trying to suggest that we were slow off the mark. However, if members look carefully at the sequence of the events they will see that the reality is that we moved very quickly to come up with a proposal that would be fair and equitable to everyone.

I thank members for their contributions. I think it is a fair compromise for our tenants. None of us likes having to impose additional charges, but it is about $1 a week if the tenants use the full 200 kilolitres. We do not expect that in all cases the tenants will use that amount, and we will certainly encourage them to keep their consumption below that if possible. If they do keep below the 200 kilolitres, which is the extra 64 kilolitres per annum, they will come in well beneath the $56 per annum. I commend the Bill to the House. As I have said twice: it is a very good compromise that can be carried out within the finances of the Housing Trust and it is also equitable to tenants in both the public and private sectors.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Excess or additional water.'

Ms HURLEY: I want to ask a question of the Minister regarding the provision for tenants to pay for the water consumed in excess of the 136 kilolitres as proposed. If the tenant has not paid that amount will that make them liable for eviction from the property?

The Hon. J.K.G. OSWALD: I think that the Housing Trust's credit policy is well known to all members; that is, debt, whether from unpaid rent, water or cost of repairs for damage to the property, is incorporated in the credit policy and will be set out on one account. So, the trust will be looking at a total figure of debt. However, in looking at that total figure, the housing managers and regional managers have a scheme whereby, if people have difficulty in paying their debt, they can go along to the regional manager and talk through the payment and arrangements will be made to assist them in repaying it in weekly instalments. It is very much a last resort that anyone would be evicted. If that did happen it would be a decision of the board as it is now. I would think that if people do the right thing they will have nothing to fear.

The Hon. FRANK BLEVINS: I have great reservations about the Government's policy in this area. In effect, the Government intends to impose on the poorest section of our community a charge that was not imposed before and, if that charge is not paid, people can be evicted. That is the bottom line of the policy. We are talking about people at the very bottom of the economic pile or ladder. Probably a majority of people in my electorate live in Housing Trust houses—it is certainly a very high percentage—and most of them would be on reduced rents for one reason or another. If we are talking about those who, for example, are sole parent families with a number of children, for a variety of reasons—and the majority of single parent families are not young single mums; that is not the case but is a bit of a furphy put out by members opposite—the Government is now introducing a charge on those people that they did not face before. We are talking about families comprising several children and living in an arid area and we are saying, 'If you do not pay, we will evict you.'

All I can say is that there will be very fierce resistance to that policy. We on this side of the House do not believe that the previous arrangements for water for Housing Trust tenants was unreasonable. As members would know, a charge was imposed for excess water when consumption was over 200 kilolitres. That policy was unanimously supported on this side in our Caucus, because we had some regard for those at the very bottom of the economic ladder.

I can promise the Minister that any evictions for non-payment of this excess water charge will be resisted very strongly indeed. I am not going to have my constituents, particularly those constituents with a number of children, thrown out into the street because the Housing Trust, on the orders of this Government, will not allow them sufficient water to look after themselves, to keep themselves clean and to do all the other things that families need to do, particularly in an arid area. I just want to put clearly on the record that there will be absolutely no cooperation from me: in fact, there will be the maximum resistance.

I think that if the Minister asks his officers in Whyalla, going back 30 years, he will be told that I have been a very strong supporter of the trust. It is probably the most significant institution, apart from the Australian Labor Party, the Seamen's Union of Australia and one or two others—it is certainly the most significant public institution—that has been established in this State. I believe that this Government's policies are designed to wreck it as much as it possibly can and to make the lives of the tenants a misery as much as it can. I think that is a dreadful shame. The following Bill—and I will not speak on it in any detail—without any doubt in my view is designed to eliminate the trust. The Government is ideologically opposed to it. The people who established the trust—those who came before them in the Liberal Party—would be absolutely ashamed of what this crowd is doing to the Housing Trust. It is probably the most significant public institution set up in this State.

I have supported strong action by the trust on numerous occasions over the past 20 years in relation to people who deliberately go out of their way not to pay their rent and to be as big a nuisance as possible to their neighbours and people surrounding them. There is no argument from me in dealing with those people—there never has been—and all the Minister's officers in Whyalla will tell him that. The stronger the action, the better. But when the Minister starts saying to families, 'You will be evicted because we are now cutting down on your water', and he is going to put them out in the street, then let him look out for a reaction. I know that the reaction will not bother the Minister: the Minister could not care less about the tenants. The Minister and this Government could not care less about the Housing Trust tenants. I was surprised to hear the member for Kaurna support this: I know that the member for Kaurna has in her district a considerable number of Housing Trust tenants in quite difficult circumstances. This is an additional burden on them.

I know that the Minister is proud of putting that burden on them. I know that the Minister will take a great deal of joy in evicting them, because that is the style of this Government. It will have a great deal of pleasure in doing that, but we will resist it here and in the other place. If necessary, we will resist it in the public arena when any of these evictions occur because of non-payment of this additional charge for water.

The Hon. J.K.G. OSWALD: I would like to put two things on the public record. First, the poorest households are not necessarily in the South Australian Housing Trust: private tenants are far worse off. The honourable member knows that, despite what he has just had to say. He knows that if we are talking about equity we really must address equity for the poor tenants in the private sector who do not have the advantages of subsidised rent. If we are going to do something for them as well, then of course we must have equity, and much of this debate is about equity. As to the question of tenants being evicted, it is a very easy scaremongering tactic to come here this afternoon and say that this additional dollar charge per week will lead to tenant evictions.

I put to the House that it will not lead to tenants being evicted. It is just a baseless, scaremongering allegation to make, and the few tenants who ever get into strife the trust bends over backwards to accommodate. Tenants will not be evicted because they cannot pay for water. If we are going to evict tenants, it will be because of unpaid rents and damage to property, the same reasons for which the Labor Party has been evicting tenants for years. We have no problems with that. But if it gets down to people in indigent circumstances and we find that they have had excess water bills—which you can see in the printout of their accounts—bearing in mind, as the honourable member knows, that it is all a one-off consideration before you evict anyone and you have to go through a series of steps, no-one in indigent circumstances will be evicted because of excess water charges. Let us get that quite clear.

So, each is an individual assessment, and it is easy when you look at accounts to decide whether you have someone

who is genuinely abusing the system or someone who is genuinely in trouble and needs assistance from the public housing sector. You take a one-off decision and, if someone should not be evicted, on compassionate grounds, they will not be evicted. But if people abuse the system, then I think there is the expectation out there that firm action should be taken. Every occasion will be a one-off decision based on an assessment of that individual or family group. It is nonsense to start spreading around that this will lead to evictions of people who need access to public housing. This Government is not about that type of tactic.

Mr CLARKE: In response to my second reading contribution the Minister talked about those Housing Trust homes that were not needed, of which I have many in my electorate. I want to make quite clear that I am not advocating installing meters in all homes because, obviously, there is a cost factor and I doubt whether the owners are all that keen on having meters there in the first place. But in my electorate meters are being installed in a number of Housing Trust homes as they are being redeveloped, and we will have this problem not only in my electorate but in all other electorates as well where, on one side of a street, you will have unmetered properties being able to have as much water as they like, if I can use that term, and on the other side of the street, where there is a meter, there will be a charge, and they will be able to be watched and accounts rendered, and so forth. That is bound to lead to ill feeling within communities living side by side.

We are getting more of that as urban consolidation is going on. As the Minister knows, in the Northfield redevelopment there will, hopefully, be some Housing Trust homes on my side of the tracks, and there are established Housing Trust homes there as well, more particularly in the Kilburn area where there are no meters. Redevelopments are going on, and I know that the Housing Trust wants to further redevelop the housing stock in those areas now that they are nearly 50 years on. There will be increasing problems of neighbours side by side, one with a meter, one without, and there is bound to be some conflict between tenants.

The other point deals with evictions. From what I understand the Minister has said so far in answers to the Committee, the trust will bend over backwards with respect to eviction if people cannot pay their water rates, but I want to give him an example.

The Hon. J.K.G. Oswald interjecting:

Mr CLARKE: Efforts to prevent their being evicted. I have a family in Kilburn, where there are five children who are all intellectually disabled, three of whom are in their teens. One of them must now be 16 or 17 years of age, and the trust has done a very good job for them to date in terms of housing improvements to help protect them. The children cannot be allowed outside the gates of their house because they are so badly intellectually disabled that they would be at risk to themselves if they left the house. The trust has spent a considerable amount of money in terms of security measures to protect those children.

However, because of the age of those children, they are regularly soiling themselves both in bed and during the day, and the mother is required to wash at least five times a day the bed linen and all the other clothes that go with it. It is an enormous burden looking after those children, and their last water bill, under the old system over a year ago, was over $800. The parents are total Commonwealth Government beneficiaries in terms of looking after these children. Neither parent can leave home to go out and work, so their income is very limited, and you can add as much as you like to the cost of the water but there is no way that they will be in a position to repay it. You could put them on whatever time repayments you care to put them on but, because of their income, not only will they always be in arrears but the arrears will grow over time.

It would seem to me that this is a real life situation and that these people, under the Government's policy and despite the fact that the Minister may want to bend over backwards, will have an ever increasing debt and will face the real possibility of being evicted from their homes. This is an actual situation and I would appreciate a definitive answer from the Minister. Will families need to live in fear through the non-payment of their water bill incurred through washing cars, looking after a small garden and lawn or looking after their children and so forth? Will they ever face the fear of being put on the streets?

The Hon. J.K.G. OSWALD: I will answer the second question first. I hope the honourable member will support the new arrangements of the Housing and Urban Development (Administrative Arrangements) Bill to be debated later this evening, because in that Bill the Minister of the day will have far more ministerial policy control over the public housing sector than exists at the moment. Through that policy control the Minister will be in a position to set exemptions based on his policy unit decisions. We will be able to determine in whatever circumstances—for example, medical circumstances—the need for additional water exists so that we can set scales that allow exemptions or variations. For example, in the case of a family needing medical support, exemptions could be given legitimately so that the people concerned need not live in fear. The Government is after those who abuse the system, not those who are in need of the system. As long as I am in the Chair, people who are in need of the system will have access to it, and security and piece of mind will exist so that they will not be evicted. The powers will be there for the Minister to make exemptions.

The first question related to the lack of meters in single dwellings. The point the honourable member is missing is that old units do not have meters and these units do not have gardens to be looked after: the trust picks up the gardening and water fees. All people have to do is pay for the water that goes through the tap for their bathroom, laundry and for drinking. We all know that they use about 115 kilolitres of water. Those people need have no fear of any additional water charges. As people move out into the newer cottage-flat accommodation, even where there are no meters, the trust will still pick up the external watering and gardening fees. It is highly unlikely that pensioners would move into accommodation with its own meter and have a large water consumption problem on their hands that would take them over the 136 kilolitres. I would like an example of that from the honourable member before we could even continue the debate. With respect, I think the honourable member's concerns are unfounded. Because of the nature of the accommodation, those who do not have meters now will never go over the 136 kilolitre threshold. As for those people about whom the honourable member is concerned—

Mr Clarke interjecting:

The Hon. J.K.G. OSWALD: The honourable member talks about disputes between neighbours. Those living in old accommodation that obviously does not have meters do not have gardens or any responsibility in that way and could not possibly use their water allowance. The honourable member

will find that in all practical senses we have accommodated the concerns of his constituency.

Ms WHITE: I ask the Minister for some assurance on what he has just said. I heard the Minister's statements when he released this new policy, and I heard the Minister's comments just then. I am somewhat confused and hope that the Minister will appreciate that for me and the electorate I represent it is important that I clarify that. As the Minister knows, in just one suburb of my electorate I have almost 1 600 Housing Trust homes. The regional manager of the Housing Trust who covers that suburb tells me that almost half those tenants currently have a debt. He also tells me that a large proportion of the debt will be due to water consumption. As the Minister would appreciate, much of my daily electorate work deals with Housing Trust tenants. A great concern in my electorate relates to excess water, and people come to me daily with fears about eviction over this issue.

My office has a very good relationship with the Salisbury Housing Trust Office, which I believe does everything it can to accommodate the needs of Housing Trust tenants in my electorate. But almost each case that comes into my electorate office is a very worthy case. The Minister says that he is out to get those people who abuse the system. I suggest that very few in my electorate out of that huge number are out to abuse the system. They happen to be people who come from a low socio-economic background. How much leeway will the Minister give regional officers to deal with constituents like mine to avoid eviction?

The Hon. J.K.G. OSWALD: Each individual constituency will be treated as a separate case. When I took over (and going right back to the time of the previous Government) the trust was—and still is—trying to clear some of these charges and debts on tenants' accounts. I reiterate what was said to those tenants before: if they cannot pay it they should go to the regional manager and try to negotiate so much a week to pay it off. If they are genuine and are in difficult circumstances I have instructed the Housing Trust regional managers to do everything they can to accommodate those tenants. To my knowledge, no-one has gone to court or been evicted because of their inability to pay off the water bill. I am not running around putting people in court and evicting them. I have not evicted or instigated eviction notices on anybody in 15 months. My track record is pretty good as far as evicting people is concerned, because I have not evicted anybody despite people having large accounts. The policy is very clear. No-one has been evicted and the Government is encouraging those people who cannot pay immediately to pay so much a week.

This new policy, which will apply from today, is all about this last 64 kilolitres of water: it is not about the past excess water accounts that the Government has inherited. The same principle applies: if tenants find they have this account building up they should go to the regional manager and see if they can negotiate paying it off by some sort of instalment method. If people are in extenuating circumstances and the account has built up, I ask the regional managers to put a case to the Government (as will be the case shortly) or to the board to see whether the circumstances are such that there should be some exemption or special treatment. The Government is not about putting people out in the streets.

The purpose of the public housing sector is to accommodate people in indigent circumstances, and on each occasion you know whether they are the people who leave their taps on and go away for the weekend or they are a family with two or three kids and have to bath them a lot or whatever. We will know whether or not they are genuine. I will not put genuine people out onto the streets. We will somehow accommodate them if they make some effort to pay it off, even if it is $1 a week. Most people can and do make some genuine effort to pay it off, and it is a matter of judgment as to those who are genuine and those who are abusing the system. Under the new policy the Minister of the day will have the power to step in and assist with exemptions, waivers or whatever.

Ms WHITE: I wonder how willing the Minister will be, given that under the new system an awful lot of people in my electorate will be served with eviction notices.

An honourable member interjecting:

Ms WHITE: My learned colleague says, 'Why don't they just pay?' Some people in my electorate are not capable of paying. They cannot afford $5 a week.

Mr Becker: You have to talk to them and advise them and not sit there and—

The ACTING SPEAKER: Order! The member for Taylor has the call.

Ms WHITE: The honourable member says, 'I have to help them and advise them'. I cannot advise a whole suburb. I have a whole suburb that is comprised almost totally of Housing Trust homes.

Mr Becker interjecting:

Ms WHITE: The honourable member now says that I should not be here if I cannot financially advise a whole suburb.

Mr Becker interjecting:

The ACTING SPEAKER: Order! The member for Peake is out of order.

Ms WHITE: The member for Peake says that I am ignorant. I wonder whether he would really like to justify that by outlining his qualifications to say that.

Members interjecting:

The ACTING SPEAKER: I remind the member for Taylor that she is asking a question, and if she ignores the interjections and addresses her question through the Chair it will assist.

Ms WHITE: I suspect that many people in my electorate will be asking for exemptions under the criteria laid down, and I wonder whether the Minister will be willing to grant that many exemptions.

The Hon. J.K.G. OSWALD: The honourable member said that she had 1 600 Housing Trust properties in her electorate and that about half of them have a debt. My question would be, 'What is that debt?' If the honourable member is talking about a debt of $100 or something, I point out that no-one will be evicted for $100. I go back to another comment I made to one of her colleagues. The debts that worry us and that we try to recoup are for rent and damage to properties. They are the two areas about which we are concerned, and Governments before us have also attempted to recoup that money. If over the course of a year tenants run up a debt of $50 or even $100 and they find that they cannot repay it at the rate of $1 a week, they will not be evicted from the public housing sector for that amount.

The people we want to pay up—and I will tell the board this—are those who do not pay their rent or who smash up their house. We can itemise it out on the accounts and, if a person uses an extra 64 kilolitres of water, they will not be put out on the street because they cannot pay the $56.32 charge on their account. It costs you more to put them on the street, paint out the house and put in new tenants. The tenants who do not pay rent or do not pay for damage to houses are the ones who must address how they will pay back that

money. Tenants who cannot pay for 64 kilolitres of water due to indigent circumstances will receive sympathetic consideration. However, as far as equity goes in respect of other tenants, we still expect them to pay if they can. That is only fair.

Ms HURLEY: I want to question the Minister on the same subject. I have in my possession a copy of a letter from the Housing Trust advising a resident with an excess water bill of $390 that she is to be evicted. Does this accord with what the Minister is saying, and will that be the future policy under the new system?

The Hon. J.K.G. OSWALD: I would like to see that letter. It is more likely to state (and I have not seen it) that unless they pay there is a possibility of eviction. However, as I understand it, before that happens the board has to make a decision and it must apply for a court order to allow it to happen. What the honourable member is saying is basically wrong. Certain steps must occur before any evictions take place.

Ms Hurley interjecting:

The ACTING SPEAKER: Order!

The Hon. J.K.G. OSWALD: My advice from the Housing Trust is that while I have been Minister we have not evicted anybody. I stand to be corrected if you have evidence to the contrary. I will check with my officers during the dinner break and report back. As I understand it, that is the situation.

Mr CAUDELL: My electorate contains the suburb of Warradale, which houses the second largest region of the South Australian Housing Trust. In my electorate office I see a number of Housing Trust tenants in respect of various problems, and perhaps the Minister has seen the letters on behalf of tenants on assisted rental who have water problems. My understanding of the situation in the past with tenants in Warradale, Mitchell Park, Oaklands Park, Seacombe Heights, Dover Gardens, and so on is that arrangements are made to allow a tenant to pay off an account over time, be it $5 per week or $10 per fortnight. If a tenant were to fall over and could not meet that commitment, another set of arrangements could be put in place to help them pay the outstanding balance of their account within their means.

At some stage we also refer them to the Department for Family and Community Services for financial counselling and to assist them in drawing up a budget so that they can meet their commitments. To date, in the Mitchell electorate and in the Warradale region of the South Australian Housing Trust, we have been quite successful. We have not had anywhere near the range of evictions mentioned by other members. Any evictions in my electorate have involved rowdy tenants and those who have trashed Housing Trust facilities. In fact, most of the tenants in the Mitchell electorate must be exemplary compared with those in other areas. Will those conditions still apply in relation to the new water charges for Housing Trust tenants in the Mitchell electorate?

The Hon. J.K.G. OSWALD: I agree with what the honourable member has said. I think that all of us, at some time or other, have been asked to assist tenants in these circumstances and have negotiated with DCW and FACS on their behalf. Yes, the system is there. That is what local members are for: to help where we can. I congratulate the honourable member because I know that he does it so well in his district.

The Hon. FRANK BLEVINS: The Minister said that this provision is about equity. It has nothing to do with equity: it is about raising money. To try to pit one group of poor against another group of people who are equally as poor I think is pretty poor form. If the Minister had said that the Housing Trust is in trouble, it needs money and this is one way of getting it, we would have some respect for the Minister's honesty. However, the Minister has said that he believes that some people are even poorer than Housing Trust tenants and that the way to distribute that poverty is to take a group of Housing Trust tenants, who by any standards are extremely poor, and make them even poorer. What kind of perverse approach is that for somebody who is managing the public housing utility?

In effect, the Minister is saying, 'We have a group of poor people, so we are going to deal with that problem by making this other group even poorer.' I would have thought that, if the Government had any compassion for people in the private sector who are having problems with their payment for water, and if that compassion was genuine, the whole of the Government would be directed to doing something about the poverty of this group of people instead of making Housing Trust tenants even poorer. What the Minister has said is pretty poor and demonstrates the ideological difficulty that this Government has in dealing with poor people, particularly poor people who are forced to obtain assistance from the public sector. The Government's loathing for the public sector is obvious whenever a member opposite stands up.

I do not know who fed the Minister the line that this is about equity, but the people who did were not even half smart. It has nothing to do with equity: it is about raising money for the Housing Trust, and that is an honourable thing. Whether or not this is the means to do it is open to debate. To suggest that it is about equity—making people poorer because you believe there are even poorer people in another area—is a mealy-mouthed argument and is unworthy of the Minister.

The question that the member for Taylor asked, which was simple and well put, has not been answered. Will regional managers have the right to waive excess water bills? That was the question, and all it requires is a simple 'Yes' or 'No', and we can take the debate from there. We do not need all the waffle. Do not talk about the Housing Trust Board. You are doing away with the Housing Trust Board—it is going. It will have no power; it will be only an advisory board, so do not talk to me about going to the board. Does the regional manager have the right to waive these charges? It is a simple question.

The Hon. J.K.G. OSWALD: I do not think that I skirted that point. I was very clear to the member for Taylor, who was seeking reassurances as to what would happen to her tenants if they did not pay for the 64 kilolitres of water. I spent some time developing the argument—and she nodded in agreement at the time. Just then she shook her head in response to the member for Giles, but she nodded her head when I explained to her how it would be handled. I explained very carefully that, in relation to the $56 charge for 64 kilolitres of water, no-one would be evicted for such an amount. The regional managers will identify whether or not a tenant does not have the ability to pay. They are authorised to negotiate with a tenant to see how much they can afford to pay a week and, if they cannot pay, the Tenancy Services General Manager will have the authority to decide.

The Hon. Frank Blevins: The answer is 'No'.

The Hon. J.K.G. OSWALD: The answer is not 'No'. The answer is that the regional managers negotiate—and the honourable member knows this—and, at the end of the day, they tell the Tenancy Services General Manager whether the tenant can or cannot pay, and she and the board take it from

there. The Opposition would love to hear that these people will be evicted because of this $56 charge. No-one will be put out on the street and evicted because of an amount of $56. Attempts will be made to get people to pay it.

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: Regional managers will not waive the amount; it will be referred to head office, and head office will make the decision. I do not think that that is unreasonable.

The Hon. Frank Blevins: The answer is 'No'.

The Hon. J.K.G. OSWALD: It is not a question of whether or not the answer is 'No'; it is a question of the various levels of management and going back to the Tenancy Services General Manager, where I believe a decision such as that should be made. The field officers do the assessment: they negotiate to get people to pay it. But, at the end of the day, it goes back to the General Manager. That is not unreasonable.

Mrs GERAGHTY: A constituent came to me, I think on Friday or Monday, with a letter stating that he was a week behind in his rent when in fact he was not because he had the rent receipt. He pays regularly each fortnight. What happened was that the trust had taken one week's rent, applied it to the excess water bill and then sent him a letter stating he was a week behind in his rent. He has always paid his excess water bill. There is no dispute over it: he is happy to pay it. I understand that this has happened a few times. Will the Minister explain why this has happened and say whether or not he agrees with it? This is a very long-term tenant, and he was most upset about it.

Mr Becker: Did you sort it out?

Mrs GERAGHTY: I came down when I heard the member for Kaurna say that this was all so boring and that she wanted to get on with it, and now the honourable member makes a comment like that.

Mr Becker: Did you sort it out?

The ACTING CHAIRMAN (Mr Bass): Interjections are out of order.

Mrs GERAGHTY: Yes.

The Hon. J.K.G. OSWALD: We are getting away from the text of the Bill, but I will answer the question. If that matter had come across my desk, I would have asked questions. It is a legitimate request. I do not know the circumstances, but if the honourable member gives them to me I will pursue it. Unless it is brought to the attention of the Minister, it is not the sort of thing of which I would be aware. It is a matter for the regional manager to resolve. If the honourable member wants me to get involved in it, she should send me the details and I will pursue it so that we do not get a repeat of that type of thing, which obviously causes distress to tenants.

Mrs GERAGHTY: My concern and the concern of my constituent was that, if my constituent had continued the dispute by saying that he had paid his rent—and he had been issued with two different past accounts of payment, one showing his previous six month's history and the other showing a different history—and refused to pay extra rent but had kept up his regular fortnightly payments, would he have been threatened with eviction? If the trust had given him the excess water bill he would have paid it, because he was in a financial position to do so.

[Sitting suspended from 6 to 7.30 p.m.]

Clause passed.

Title passed.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a third time.

In speaking to the third reading of this Bill, I thank members for their support. Clearly, this financial measure will help the internal finances of the Housing Trust; it will overcome what could have been a difficult situation. I would also like to take this opportunity to clarify one other matter that came up in Committee. I refer to the question of evictions. I want to clarify and put on the record that no-one has been evicted and no case has been put to the board for eviction for the non-payment of water charges. Another matter of policy is that in cases of hardship or extreme circumstances a regional manager can put a case to the General Manager (Tenancy Services) to waive charges. That is a matter of trust policy, it is my policy, and I would like that put on the public record. I commend the Bill to the House.

Bill read a third time and passed.

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 1678.)

Ms HURLEY (Napier): The principal feature of this legislation is that it announces the demise of the South Australian Housing Trust after nearly 60 years of operation as the pacesetter in Australian public housing. The South Australian Housing Trust Act with all its accountability, social objectives and tenant protection provisions is repealed. The Housing Trust will become a shell taking over only the tenant management functions of the old trust. It would have been much more honest if the Government had given it a new name. It is, in fact, a complete gutting of what the Housing Trust was—an independent body that operated in South Australia over the past 60 years. The Housing Trust has become an icon in South Australia with a solid substance behind its image. Since 1936 when this Act was first brought in, the Housing Trust has played an absolutely crucial and major role in industrial and social development in South Australia.

It is interesting to see that the South Australian Housing Trust, which will spend $545 million this year and employ 800 people even after the severe pruning to which this Government has exposed it, will become just a function of the Department of Housing and Urban Development, because that department, which includes SAULT, HomeStart, the Minister's office, public cemeteries, local government relations and all other policy divisions, has a budget of just $41 million and a staff of 200. That budget of $41 million includes a fair swag of the Better Cities money as well. So, this mega-department will be inverted and become a mere functionary of the Minister's department. That department and its very existence will function on a mere decree of the Minister.

The Housing Trust in South Australia has built houses for and housed 12 per cent of South Australia's population. It has constructed and is constructing many factories in which many South Australians work, and it has contributed to the industrial record of this State. It has created low cost and equitable housing which we in South Australia almost take

for granted. The combined effects of the South Australian Housing Trust and the South Australian Urban Land Trust means that we in South Australia enjoy the sort of housing, both public and private, which is the envy of many other States. South Australia is well recognised as a leader in urban planning and public housing.

In view of this, Parliament deserves a better explanation for the demise of the South Australian Housing Trust in this way, because it is a demise in all but name. The board is reduced to an advisory committee of the Minister with very few powers and very little function, but the Minister dismisses it in a couple of paragraphs in his second reading explanation. There is one throw away reference to this when he talks about the autonomous bodies that operate. He says:

> Each of these was working to a specific charter. Each was working diligently towards its goals. Each measured its efforts against its charter, using resources at hand, as was seen by it to be appropriate.

With that dismissive patronising line, he dismisses the work of the Housing Trust over the past 60 years. Further in his speech he makes the following passing reference:

> The trust is held in general high regard by its customers and other public housing authorities. It commands a very high proportion of South Australian residential tenancies. It is therefore proposed to retain the external corporate structure and its name. That will provide continuity and retain the goodwill of the trust.

Well, I have news for the Minister: no-one will be fooled by that sort of slick operation. People will know very quickly that the trust is not the strong, independent, forward looking body that it once was, that, in fact, it is just a tool of the Minister, that it has no real function and that all public housing is directly under ministerial control.

That brings me to the next important part of this Bill—accountability. South Australians deserve something better than the cavalier way in which statutory corporations will be established under this Bill. The functions now undertaken by the South Australian Housing Trust, SAULT and HomeStart will be established as new statutory corporations under this Bill. This will be done merely by way of notice in the *Government Gazette*. As such, they will be beyond the scrutiny of Parliament. Parliament will have no say in how these corporations are set up, what their functions will be and how they will operate. In fact, statutory authorities will be set up without any provision in the statutes for what they do. So, this is a sham in more ways than one. It is breathtaking hypocrisy from a Government that was elected on a platform of greater accountability. In fact, the only accountability is with the Minister, who does not have to report to Parliament, except through the annual reports of these statutory corporations.

What we have seen in the past is that, under the South Australian Housing Trust Act, there have been statutory reporting obligations and opportunities for the Parliament to review and look at what is happening with the Housing Trust. If this Bill is passed, corporations which are responsible for millions of dollars will operate without any charter subject to the approval of Parliament. Where is there any scrutiny of the Minister's actions? In his second reading explanation he referred to the necessity for greater accountability. He said:

> The State Bank demonstrated that a Minister cannot escape responsibility for things under his or her control, no matter how far 'off the balance sheet' the mistakes occurred. This Bill ensures that with responsibility comes accountability. It provides for full ministerial accountability and rationalises roles and hence skills in agencies, reducing duplication and obtaining economies of scale.

What we have substituted for complete control of State Bank type institutions or off balance sheet type companies is full responsibility to the Minister. We have no scrutiny of what the Minister does with those companies. We have no recourse if the Minister is not running those corporations effectively or responsibly. I certainly do not have sufficient faith in the Minister's ability to run those corporations and to run them according to what the tenants and the people of the State would want.

So, instead of having accountability through Parliament, we have accountability only to the Minister and complete control by the Minister. The checks and balances in the current public housing legislation would be lost by the repeal of the Housing Trust Act, and we do not know what will take their place, because the Minister, by simple means of a gazettal notice, can change what the South Australian Housing Trust or what the Urban Land Trust does. Much of this legislation seems unnecessary; it is merely a shuffling of responsibilities. Of course, the Government has the privilege to do that, but why is it being done? Some of the restructuring has been foreshadowed but a lot of the agenda has not, and that is what I am particularly concerned about, given that the checks and balances we had are no longer available.

Issues such as market related rents and the private management of Housing Trust properties have been raised, and there have been rumours about means testing and removal of the security of tenure for public Housing Trust tenants. This has caused grave concern among public housing tenants. They have consulted me, but they have not been consulted by this Minister. Draft legislation was produced and did not go to the Regional Housing Trust Tenants Advisory Group. They know nothing of this legislation. They are concerned by what may happen, but they have not been consulted by the Minister. These people are tenants in public Housing Trust properties, they know best what effects them, they know how it will effect them and what they want, and they have not been consulted by the Minister.

What we might see is the Housing Trust change from its highly successful tradition of true, open and public housing to a welfare assistance group. Indeed, this fits in with Liberal philosophy. It is reducing all services to a minimum. The middle class elite, which the Liberals seem to be intent on helping to create, can afford to pay for additional services to make their life comfortable. Others have to declare their poverty and go to the Government cap in hand to get assistance. This Government seems to think that it is a reasonable proposition that people have to beg for whatever assistance they get. There is no longer such a thing as a society which provides reasonable housing and access to public utilities for its citizens. Gone is that sense of public accountability and social responsibility which, for all its faults, was present in the Playford era when the South Australian Housing Trust enjoyed a great deal of support.

Given his second reading explanation, the Minister obviously has no qualms about dismissing an institution which was built up over the long period of the Playford regime and which supported growth and industry in this State. There is no mention of that. There are no qualms whatsoever about changing our public housing structure to make it something that is at the whim of the Minister. I find this extremely difficult to accept, as I know do public tenants. We also know that the Government would prefer to get out of the business of owning public housing.

The Hon. J.K.G. Oswald: Rubbish! Absolute rot! That is as much rot as the rest of your speech—

Ms HURLEY: This Government has indicated that it would prefer to have the public sector takeover these sorts of functions. The Government has no commitment to assisting members of our community with public housing by providing that basic level of assistance to people in this State. The legislation, which this Government is attempting to put in place, will make the goals of this Government easier, because the Minister will be able to direct at his own whim what he wants to happen. Of course, we know that the Minister has been set a huge saving target by Treasury. We do not know how this will be achieved. For all its talk of open government and accountability, we know very little about these sorts of things, but we know that it will ultimately be the tenants who will pay, by whatever means. We have already seen that under the previous Bill increased payments for water will be one way, but there is much more to come, because of this huge savings target that has been put in place.

The Minister has received a series of reports on the operation of the Housing Trust. We do not know what these contain. The triennial review of the Housing Trust, which the Minister promised last September would be tabled, has still not been seen and is nowhere in sight. This Government seems to be tending towards a method of operation whereby it passes enabling legislation without detailing its agenda. We are operating in the dark, and I very much suspect that this is the way the Government would prefer to continue. In this legislation we have very much a financial emphasis. There is much talk of financial accountability but no discussion of social responsibility. We have no social goals set for the Housing Trust and no limits within which it should work.

As I said before, the Government has the privilege of organising its own affairs, and a reshuffling of the organisations under the Minister's department is fine with us. The much vaunted public sector involvement in the provision of public housing is fine with me, as long as we get that additional investment. But the problem that I see is accountability, particularly when private investment is involved and we have to protect the interests of the citizens in our State—and not only the citizens in the State who are tenants of the Housing Trust but also the people who are surrounded by what is now Urban Land Trust land. What will happen to that land when it is sold off? What will happen to the value of those properties? What will happen to the infrastructure where salt land occurs? We do not get answers to any of these questions.

Although we are aware of our responsibility to allow the Government to organise its affairs as it sees fit, we require the Government to do what it said it would do and ensure that its affairs are accountable to this Parliament, which through a series of pieces of legislation it has attempted to avoid. The Opposition will seek to make this Government bring back its changes and put its objectives on the table. I foreshadow a series of amendments that will hopefully be accepted by this Government. If it has nothing to hide it will be able to bring any changes back before this Parliament for proper scrutiny so that we can examine them and ensure that they are to the benefit of all South Australians and particularly to Housing Trust tenants.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I would like to respond briefly, although I could spend many hours going through the detail of some of the allegations made by the Opposition spokesperson. I do not think that the honourable member, for whom I have a lot of time, has been fully briefed or has fully understood or devoted enough time to researching the Bill, because what we have set out to achieve is national housing policy. It is not something dreamt up by the Liberal Party in South Australia. It is a new program for the public housing sector and for the Department of Housing and Urban Development. As I said, it picks up the national objectives of the national Government and every other State Government. It just so happens that in South Australia we do things very well and we are somewhat ahead of all of the other States. They are all doing something in this area, but we have been able to get ahead of them and pull it all together.

As to trying to distance ourselves from those objectives, I could bring in evidence from my department to refute that but I have not chosen to do so. This was the subject of active discussion in the ALP just prior to the change of Government. Minister Crafter at the time was well advanced in discussions with the agencies on this whole question of restructuring the Housing Trust administration. I do not think that the Labor Party should be too vocal in attempting to can the Government for taking this course when, in fact, much of it is ALP policy and we have attempted to refine it, certainly within the Housing Trust. I will admit that I have gone one step further in the creation of my new urban projects authority, SAUPA, which I believe will be a very active agency—almost a flag carrier for South Australia—that we can use to develop the urban and regional areas.

The strength of the SAUPA board is a carryover of the strength and ability of the SAULT board. I always believed that there was a lot of talent in SAULT that I did not want to lose to the urban development industry. I certainly did not want to lose the development side of the Housing Trust. What better way to do that than to bring the Housing Trust Development Division across into SAULT, put them together and make them collectively responsible for South Australia's urban development projects? That is what we have done, and I think that as years go by we will see the creation of my new urban projects authority as something very special in promoting development within the State.

The tenancy management and property management entities are, once again, part of the national housing policy of both Parties. Their establishment also flowed from the Industry Commission report and they are supported by Hilmer and all the other documents that led us in this new direction.

As far as accountability is concerned, there is no question that the Minister and the Government of the day are accountable. If the honourable member has not done so, I ask her to refer to clause 28, which sets out some pretty stringent restrictions on the Minister for Housing. He has to consult with the Treasurer and establish and maintain effective internal auditing operations. Subclause (4) provides:

> The Auditor-General may at any time audit the accounts of a statutory corporation and must audit the annual statement of accounts.

So, the Minister is subject to the internal auditing of the Auditor-General, to Treasury scrutiny; and, of course, at the end of the day he is subject to the scrutiny of Parliament, because as all members know the Minister has to appear before the Estimate Committees and ultimately face members of the House. So, there is accountability and there are the checks and balances about which the honourable member seemed to be concerned.

The honourable member said that there was no community consultation prior to the Government's setting up the new

structure. There has never been more community consultation in any State than that which took place here in South Australia in putting together the entities for the new structure. As members know, we employed Deloittes, which conducted a series of meetings over many months involving many organisations. It is not true to say that people involved in the public and community housing sectors were not invited to come in and, indeed, sought out for their input. There was a massive amount of community consultation and I defy anyone to say otherwise.

Not only was there an enormous amount of communication, but we spoke to the unions and to the community housing sector. All have signed off and agreed with the direction of this legislation. Once again, it is untrue to try to paint a picture of the Government's setting out to destroy the South Australian Housing Trust and to say that people were not consulted when, in fact, all the agencies, the community housing sector, the public housing sector and all the relevant boards were involved and everyone has agreed that this is the direction in which to go. I know about the political philosophy of many of the people I have been talking to, and I know that within the ALP there is strong support for what I have achieved in getting these new entities in place and agreement across the board about where they are going.

Let us now talk about the South Australian Housing Trust as it will emerge in this new department. The Housing Trust will include the tenancy and property management entities and they will be able to work efficiently and identify the transparency of the movement of funds. The development division survives but, of course, it is in SAUPA. We can now run the business of the Housing Trust more efficiently and start to address the huge debt structure that was allowed to build up in the trust. I do not always blame the Opposition for the size of that debt. Probably no-one could have foreseen what would happen in the 1980s—when the Housing Trust stock expanded from 40 000 to 60 000 properties and funds were borrowed at about 10 per cent—or could have predicted that that would be crippling in the long term.

I have inherited that situation and have now set up a structure that I know is supported internally by all parties. I understand the honourable member's making a few political points in here today, but I do not believe that in two or three years time people will be unhappy about the structure. We all have to work with it. There are certainly the checks and balances on the Minister through the Auditor-General and the Treasury and, ultimately, of course, through the Estimates Committees of the House.

The honourable member referred to our passing the legislation without seeing the agenda. I absolutely refute that because, once again, through the Deloittes inquiry everyone had an opportunity to have an input. Everyone knew my agenda for the reorganisation of public housing; everyone, except perhaps a small number of Opposition members, agrees that we have set an ideal new direction.

Even the Deputy Prime Minister, although I know he may not wash with many members opposite, has taken the time when I have been at Ministerial Council meetings to comment on the new direction we are setting in place over here. It sits very comfortably with the Federal Government. Brian Howe may or may not wash with some members opposite, but I know that what we have done has created national interest and, I believe, will be an ideal arrangement.

In conclusion, I refute once again the allegation of the spokesman opposite that this whole Bill is about the demise of the South Australian Housing Trust. The trust will come out of this exercise as a very strong business unit, able to find its feet and to run itself as a business, and it will carry out all its community service obligations as it has done in the past.

Ms Hurley interjecting:

The Hon. J.K.G. OSWALD: It will carry out the community service obligations, and if the honourable member takes the time—and I will get her a copy of all the reports if she has not been provided with them already, although I think she has—she will find that the community service obligations were able to be identified clearly. Under the former Administration you could not identify the community service obligations: the trust did not know what they were. It could not quantify them, but we will now be able to do that. The member for Whyalla, having been Treasurer, knows what it means having the two entities there, being able to identify them—

The Hon. Frank Blevins: I never laid a finger on the trust. Even I wouldn't do that!

The Hon. J.K.G. OSWALD: I suggest that the Labor Party was heading in that direction. I know from the records in my office that it was heading in that direction. One knows what happens when Governments change and one gains access to records. The Labor Government was very interested in doing something in this area, although it had not done it. I have done it; I have kept South Australia in line with the national housing policy, and agencies around Australia will watch the success of it. I commend the Bill to the House.

The House divided on the second reading:

AYES (22)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Evans, I. F.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G. (teller)
Penfold, E. M.	Rossi, J. P.
Venning, I. H.	Wade, D. E.

NOES (8)

Atkinson, M. J.	Blevins, F. T.
Geraghty, R. K.	Hurley, A. K. (teller)
Quirke, J. A.	Rann, M. D.
Stevens, L.	White, P. L.

PAIRS

Baker, D. S.	Clarke, R. D.
Olsen, J. W.	De Laine, M. R.
Wotton, D. C.	Foley, K. O.

Majority of 14 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Ministerial powers.'

The Hon. FRANK BLEVINS: The question of ministerial powers really concerns me, and the list in the Bill is quite substantial. The Minister is attempting to control totally the activities of this new corporation, which in effect has taken over as a *de facto* Housing Trust. It is all in the hands of the Minister. As a representative of many trust tenants (and I mean no disrespect to the Minister) I have some degree of alarm about that. It may well be that the Minister will tell us that he is a kind person who will always act in the best interest of the tenant, but the Minister is taking over 60 years

of the trust's heritage. I am not a classic conservative who says that all change is out—I do not say that at all. When I ask the Minister's officers what it is that the Minister wants to do now that he could not do before, I am concerned that they do not answer.

The Opposition had a briefing on the Bill, including this clause. The Minister's officers were asked certain questions, but not a single answer was forthcoming. We did not expect answers immediately. We said, 'Fair enough, go and talk to the Minister. Get your riding instructions, write to us and provide the answers.' We did not get an answer, so I have some grave reservations. I would like to know what it is that the Minister wants to do to Housing Trust tenants and to the Urban Land Trust that he cannot do now. The Minister ought to come clean, because he did not do that during the second reading debate. The member for Napier, the Opposition's spokesperson in this area, spelt that out very clearly. The Minister's response to the second reading lacked any answers at all to the queries raised by the member for Napier. It is time that the Minister told us precisely what he wants to do with trust tenants and with the Urban Land Trust because, as the member for Napier said, we have without a doubt the best public housing structure in Australia.

Mr Caudell interjecting:

The Hon. FRANK BLEVINS: Maybe the local member is not very good and cannot get them fixed up. They are not all falling down in my electorate. If the member lifted his game, he might do a little bit better. Instead of talking, the honourable member should listen and learn how it is done. Listening is obviously not one of the member's strong suits—talking is but listening is not. What we have and what is being replaced is by far the best public housing authority in Australia—nothing else even comes close. It is being gutted, cast aside and all the powers of that authority are to be put into the hands of the Minister. The same is happening with the Urban Land Trust. In the words of the member for Napier, we have enjoyed the lowest cost of undeveloped land in Australia. It is all being tossed out. All the powers of the Urban Land Trust are in effect being handed to the Minister. I want to know why.

The courtesy of providing answers should have been afforded to the Opposition at the briefing we had from the Minister's officers. We did not ask for answers on the run. We asked for something in writing in a week or a fortnight. The Opposition did not get any answer to its fundamental questions. What does the Minister want to do that he does not have the ability to do now, and how will it affect my constituents, who will suffer to a significant degree and as much as any other electorate with Housing Trust tenants? Whilst the question of the Urban Land Trust is not so important in my electorate, it is of enormous importance to South Australia. The developers hate it. They funded the Liberal Party and this is the pay off. The Minister should come straight out with it. He should tell us why he wants this whole swag of powers, what he wants to do with them that he cannot do now and how that will affect my tenants.

The Hon. J.K.G. OSWALD: I will set some ground rules for the conduct of the Committee right from the start. It is not my intention to be repetitive by going back and repeating answers to questions. I spent some time in my second reading response answering a lot of questions which were raised about the future of the Housing Trust. I do not want to waste the time of the Committee by spending another 10 minutes going through another series of answers on the future of the Housing Trust or the strength of the two entities that we are creating.

There are a couple of points I will pick up. First, the honourable member says that the Housing Trust will go out of existence or that the trust is being tossed out. The Bill is very specific about the Housing Trust being retained. The Bill provides for the retention of the Housing Trust. I do not know how clear I have to be on that. The honourable member also said that I want control over the Housing Trust. Under 'Ministerial Control' the existing legislation already provides:

> 3(a)(i) In the exercise of the powers, functions, authorities and duties conferred upon the trust by or under this or any other Act the trust shall be subject to the direction and the control of the Minister.

I already have control over the trust. If the honourable member had taken the time to read the Bill properly he would have seen that we are not just talking about the Housing Trust: we are talking about a new composite department presided over by the Minister. That department will be made up of the Housing Trust, including its property management and tenancy management entities. It will also include SAUPA, the new Urban Projects Authority, HomeStart, the planning division and a lot of other sub agencies throughout the department. The Bill provides that the Minister shall have control over his department and be responsible for his department. Should not the Minister be ultimately responsible for his department?

The Minister is responsible to the Parliament and to the Auditor-General. Do we say that the Minister for Health should not be accountable and responsible for his department? Is it unreasonable for the Minister for Health to say that he wants ministerial responsibility and control over his department? I do not think there is anything wrong with that. What is the difference between this provision and the Minister for Infrastructure being responsible for the EWS Department? Should the Minister for Education and Children's Services not be responsible for his department?

So, in this new entity that I am creating, why should not the Minister have the wording in the Bill to give him the responsibility? It comes from the State Bank, and I put it in the second reading explanation because, after the debacle of the State Bank and all the financial disasters we had with the Opposition when it sat on the Treasury benches, everyone in the public arena accepts that ultimately the buck ends with the Minister. It has to stop somewhere. One can no long hide behind a board. The former Government probably did hide behind boards. That is no long possible following the problems with the State Bank. Under the new arrangements the Minister has responsibility, he is answerable to the Parliament and to the Auditor-General and he should have power and control over his department. It is a very sensible form of words in the Bill.

The Hon. FRANK BLEVINS: That is all very well, but I asked some questions and the Minister, as he did when responding to the second reading, did not answer the questions. What does the Minister want to do that will affect Housing Trust tenants that he cannot do now? When we had a briefing that was the first thing the officers said: the Minister wants powers he does not have now to enable him to do things. It may be perfectly legitimate, but I want to know what those things are and how they will affect the tenants.

I also want to know how these powers will impact on the Urban Land Trust. What powers does the Minister want over the Urban Land Trust? What do you want to do with the bank of undeveloped land that you cannot do now? What is the

problem with which this Bill is attempting to deal? I have not heard of a problem. If, as the Minister says, the problem with the Housing Trust is a financial problem (and he did not blame the Opposition, and he was quite right in that regard, as he was quite right in his comments about the financial problems of the Housing Trust), what do the ministerial powers in this clause have to do with that? Nothing!

The Minister is correct when he says that the biggest problem in the Housing Trust has nothing to do with ministerial powers or the structure of the trust—it is to do with finance, because it does not get enough money these days. The Commonwealth/State housing agreement has dealt it a very significant blow with an increase in interest rates. What effect will this have on tenants and on land prices? We enjoy the lowest prices in Australia on undeveloped land, so why do you want these powers?

The Hon. J.K.G. OSWALD: The honourable member has asked about four questions, but I will attempt to answer those that I have not already answered. When we come out of this reorganisation, the Housing Trust will provide better service and it will be a far more efficient organisation. The honourable member asked what was in it for Housing Trust tenants. What is in it for them is a far more efficiently run business organisation. What is in it for the whole of the department is a far more efficiently run organisation, because we will be able to identify and clean up the debts and put it on a more business like basis. We will be able to get involved in policy questions with the Housing Trust Board, the SAUPA Board and the HomeStart Board.

We will have a policy unit within the ministerial office which will work through the CEO down through the general managers of all the entities so that we will have a corporate business structure throughout the organisation, running it as you would a large business. It will have a corporate management thread running through it so that Government and departmental policy and the input from the boards can be coordinated. You will not have separate entities running their own policy but rather a coordinated policy up and down the chain.

The honourable member asked again about the need for ministerial powers. I repeat that the Housing Trust already has control over the Housing Trust Board, but we are talking about a form of words under one clause. This provision in respect of ministerial powers will apply to not just the South Australian Housing Trust. The clause says that the trust will continue, so it is not about the demise of the Housing Trust, which has been the whole thrust of the Opposition debate. The Housing Trust will continue, but the form of words providing for ministerial powers are framed in such a way that the Minister can have ministerial control over his whole department. I will not remind members of how all Ministers in all governments have control over their departments. If you want to deny us ministerial control over our departments, you are out of kilter with what happens normally in a large Public Service department.

The Hon. FRANK BLEVINS: That was a load of bureaucratic jargon. The Minister says we will have more efficient structures. What does that mean? Does it mean that you will evict tenants more quickly, paint houses more quickly or collect rent more quickly? It is meaningless jargon put to you by a bunch of bureaucrats who are trying to find a rationale for the restructuring that you are putting in place to give an appearance of doing something. This measure does nothing to build one extra house, to bring in undeveloped land $1 cheaper or to assist trust tenants not just, as the Minister put it, in a business sense but also as a social organisation. It will not help tenants one little bit with their social problems and with which the trust is uniquely placed to deal. In fact, in my view, it has dealt with them very efficiently for over half a century. It is a mystery to me how the media determines what is a story and what is not. What the Government is attempting to do tonight is knock off two of the most significant institutions that have made this State (and a very poor State compared with some others) into something that is really worthwhile, namely, the Housing Trust and the Urban Land Trust.

The Minister said, 'The Housing Trust will be run as a business'. In the short history of South Australia, to reduce the Housing Trust to that role alone is a very significant change—enormously significant. Do not tell me that there are things in the Bill to ensure that the Housing Trust will remain. It will remain in name only as a collector of rents and not much more than that. I am sure the Minister would like to give that to Myles Pearce if he could, and my guess is that he probably will at some stage. That is a huge change to the social structure and fabric of South Australia. The Urban Land Trust was created to stop the land speculators and exploiters who were running rampant here in South Australia, with the support of this Government and its predecessors, including some of the individuals in it who made fortunes from land speculation.

An urban conference held only in the past week or 10 days determined that the Urban Land Trust and the South Australian Housing Trust are prized institutions. What the Minister is doing is wiping it—and do not try to kid us that it is anything different. I would still like to know what you want to do to trust tenants that you cannot do now, and what effect this will have on the price of land. Today is not the first time I have asked the question: I asked it a couple of weeks ago. The Minister has had plenty of warning of it. I asked for a written response to be given to our spokesperson in this area, but we have received nothing.

So the Minister should not complain, when he tries to make these two fundamental changes to our social structure, if he has a difficult time getting it through the Parliament. Many members think that what you are doing is worthy of more discussion than you have permitted so far. You have permitted next to nothing. My questions remain, but clearly they will not be answered. The Minister has skated over this Bill. He thought that he could bring it in here, handle it in five minutes and there would be no dissent, so he did not have to study it, give proper answers or be properly briefed—nothing, because it was a piece of cake. It is not a piece of cake. The Minister will not gut these institutions without being able to justify it, and he has not justified it to date.

The Hon. J.K.G. OSWALD: This debate will not get anywhere if the honourable member continues to misrepresent the situation. To say that the Housing Trust would be left as a rent collecting agency is an insult to the 70 to 90 odd employees in the Property Management Division who are working very hard to refurbish the urban development projects of the future. The Housing Trust estates—five of them in one area—are about to embark on a—

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: Listen to what I have to say. I listened to you.

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: There is a $500 million project over many years for the redevelopment of Housing

Trust estates, carried out by the Property Management Division under the new arrangements.

The Hon. Frank Blevins interjecting:

Mr BASS: On a point of order, Mr Chairman, I listened to the member for Giles ask his question. I would like to listen to the answer from the Minister without rude interference from the other side.

The CHAIRMAN: The member does not have a point of order; he is instructing the Chair. However, the Chair takes his point.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: The Chair advises the member for Giles that his impertinence is far grosser than that of the member for Florey. The member for Giles will be dealt with if he chooses to interject repetitively.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: I caution the member for Giles—I will not warn him this time, but he is running very close to the wind—to be careful if he wishes to stay and ask questions on the remaining clauses, because the Chair has advised him accordingly.

The Hon. J.K.G. OSWALD: To suggest that the Housing Trust will end up as a rent collection agency is absolutely monstrous.

The Hon. Frank Blevins: Answer the questions.

The Hon. J.K.G. OSWALD: As I have said many times, the Property Management Division will be involved in the redevelopment of old Housing Trust estates. That is not just collecting rent but refurbishing housing which the former Government allowed to deteriorate. We will tackle it and bring it up to scratch. Tenancy services will operate under community service obligation policies so that tenants are looked after. This is a spurious argument to keep running with tonight, and I will not continue to answer this constant argument that we are gutting the Housing Trust. Service, building, tenancy and maintenance obligations will continue. The honourable member knows it, as does every Labor and Liberal Government around Australia that is watching this. It is pointless dragging on with this debate, trying to establish an argument. We might as well agree to disagree, because the Housing Trust will go on as a strong public housing identity.

The Hon. Frank Blevins: Why didn't you let your officers answer that question? Why did you stop them?

The Hon. J.K.G. OSWALD: My officers have not been stopped. They were sent out to brief you and would have briefed you. You asked me the question and I will give you the answer now if you care to listen. As far as the cost of land through the Urban Land Trust is concerned, we have transferred it across. If you were not here during the second reading stage, I am sorry, but the explanation defined the new direction for SAUPA, how it came from historic roots in the Urban Land Trust, the expertise that was there, the fact that the land bank will continue, that we will be involved in selling off the new estates—and as you know I released Walkley Heights yesterday—and that in all these new developments public housing will have a percentage of the land. All this is part of the development of the public housing sector.

I put to the people of South Australia that the questions that are being asked tonight by members opposite are from people who are out of touch with the future direction of public housing in this State. If they do not make themselves ready to go into the twenty-first century, they will suddenly realise that the reason why this State got behind was that it was run by people who were not prepared to look to the future. Through this new structure, we can link in with what is happening around this country, rather than bouncing along as we have for years. This is progressive legislation. There is nothing to fear from anyone in the public housing sector. You would not get anyone more dedicated to the preservation of our public housing stock.

I constantly argue with the Deputy Prime Minister over redirection and being allowed to use resources to upgrade the public housing stock. I am not about selling it off: I am about regenerating it and lifting the quality of life, the lifestyle and the standards of people who are living in post-war housing which needs upgrading. I want to link up and make resources available, to get rid of the $1.8 billion Housing Trust debt that we inherited, to get rid of the high interest drain and to start running the trust efficiently so that we can get in there and build new houses and refurbish exiting houses. They are not the words of someone who wants to gut the Housing Trust.

This evening I will not raise again this whole question. Members opposite can continue to ask questions, but I will refer back to this statement, which I think puts it very clearly: this Government is not about gutting the Housing Trust, as members say, but about creating a very strong public housing sector in this State of which any State in Australia would be proud.

Clause passed.

Clause 5—'Functions.'

Ms HURLEY: Previously we touched on the social provisions relating to the Housing Trust, and this clause is what passes for guidelines for the social concerns. The Minister, in response to some statements I made, outlined checks and balances which he believed were in place, but they included checks and balances on the financial aspects of this new Bill, which included the Auditor-General, Treasury and Estimates Committees. We are concerned that there should be financial checks and balances but we are equally concerned that the social objectives of the Housing Trust and Urban Land Trust be maintained.

I do not believe that these are strong enough to give the public of South Australia a good indication of where these new statutory corporations are heading. The Minister said that the Labor Party was well advanced in discussion with regard to this restructuring. The good thing about the Labor Party is that, before it implements a policy, it needs to go back to its policy making structures which include the people of the Labor Party and the Caucus. I suspect that, if it had got to that stage, the social and community obligations of these bodies would have been more clearly spelt out. Before these bodies are formed, will the Minister bring back to Parliament a clearer outline of the functions of each of the statutory corporations he intends to set up?

The Hon. J.K.G. OSWALD: I repeat: the community service obligations of the trust are enshrined and will continue.

Ms Hurley: Enshrined where?

The Hon. J.K.G. OSWALD: They are enshrined and will continue. It is pointless in respect of every clause that we deal with trying to run this line that the Housing Trust is about to be demolished. It will be a long night if the Opposition, taking a slightly different angle, continues to run this line on every clause. Members opposite know that the Housing Trust is not about to be demolished, that it will come out of this as a strong entity, and that the Housing Trust board would never have supported this if it thought it was not in the interests of the trust. It supports it as do the staff, and there is general acceptance right throughout all sectors including the com-

munity housing sector. As I said, I think it will be a long night if every time another angle is taken on this whole question. It is becoming a political debate on the demise of the Housing Trust. The Housing Trust will come out of this as a very strong, businesslike, efficient organisation that will look after its tenants—and that is what it is all about.

The Hon. FRANK BLEVINS: I, like the member for Napier, want to see this in the legislation. I cannot see it. I cannot see what the role of the Housing Trust is—and I think that is extremely important. We are talking about the most significant institution that has been established in this State. If the Housing Trust is to be gutted, if whatever powers it has are to be taken away, if the board is to be merely an advisory board, a lackey of the Minister, that is extraordinarily serious. The obligation is on the Government to state clearly what is the role of the Housing Trust and what is its social role. All we get in clause 5 is a lot of parenthood statements, platitudes, nothing concrete at all about the role of the Housing Trust or the Urban Land Trust.

It is not good enough to come in here with a Bill with which, if it was about any other department, I would have no concerns. The reason I would have no concerns about it is that this type of restructuring happens in departments about once every five years. They drift between being a department, a statutory authority or a commission, between having this autonomy and having that, and five years later it is all rewritten and it is put back where it was with a slightly different flavour, and the Ministers, at any rate, feel as though they are achieving something, and the bureaucrats love it, because it gives them something to do for a while.

If it were any other department I would say, 'It's just another restructuring; it doesn't matter a damn.' And normally it doesn't, but in this case it does, because we are dealing with organisations that are fundamental to the social structure of this State. If you are going to do that, justify it by putting in the legislation its functions and objectives, not just in any words or bureaucratic jargon but in words that mean something. We have all been around for long enough to recognise this sort of waffle.

The Hon. J.K.G. OSWALD: During the debate I have assumed that the honourable member probably has been given a copy of the draft gazettal notice from the spokesperson for housing. In that draft gazettal notice many of the answers are spelt out. I am not too sure how many answers he is looking for, but there are about eight or nine pages in the gazettal notice that spell out all the answers. I assume that the spokesperson for the Opposition has given it to the honourable member.

The Hon. Frank Blevins: She says that she hasn't got it.

The Hon. J.K.G. OSWALD: I have been assured that she has been given a copy. If the honourable member would like to read that draft gazettal notice, I would be surprised if it did not satisfy his arguments. Perhaps if he liaised more with the spokesperson for housing who has it in her dossier of material, many of his concerns would be satisfied. I point out that under clause 5 the functions of the Minister are listed from paragraphs (a) to (k)—

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: Would you be quiet!

The CHAIRMAN: I warn the member for Giles. The honourable member has made his point time and again that he believes that someone else does not have papers. The onus is upon the aggrieved member to make that point, not upon the member for Giles. So I warn the member for Giles to cease interjecting.

The Hon. J.K.G. OSWALD: It is easy for members opposite to say that they do not have the papers to get them out of their embarrassment, but the draft gazettal notice was given to the Opposition. If it had taken the time to read it, all its concerns would be covered. I also point out to the Opposition that under clause 5 the various functions of the Minister are listed from paragraphs (a) to (k). In the previous Housing Trust Act no functions were listed. At least we have put into the Act the functions of the Minister, and they are also listed in the eight or nine pages of the draft gazettal notice. They are there, and they will be there until June, and the honourable member can come back and comment on them between now and June. The honourable member knows that: he has been around the system for a long time.

So, I say for the last time: the information has been provided. I am getting a bit tired of this attack, this attempt to build a case about the demise of the Housing Trust when there is ample evidence that the Housing Trust will continue as a stronger, more efficient and businesslike organisation, looking after its CEOs and its obligations to its tenants, building and refurbishing houses, getting rid of its debt and looking after its tenants through tenancy management.

Ms HURLEY: The Minister stood there and said that I have received a copy of the draft gazettal notice. I wish to refute that absolutely: I have never seen or been sent a copy of any draft gazettal notice. I ask the Minister when we might see it given that he appears to think it is relevant to this debate.

The CHAIRMAN: Perhaps a member of the House staff could obtain a copy from the Minister. The member for Giles.

The Hon. FRANK BLEVINS: I feel somewhat aggrieved.

The Hon. J.K.G. Oswald interjecting:

The Hon. FRANK BLEVINS: Well, we can both count. We don't need your assistance. You're not doing too well here. If we relied on you, mate, we would be doing as bad as you. The Minister kept on asserting with great monotony that we had been briefed on this gazettal notice. Because I kept trying to help the Minister by telling him that that was not the case, I was warned by the Chair. I was trying to help the Minister. I tell the Minister now that we have not received it. We also asked his officers two questions weeks ago, and we gave them as long as they liked to respond. They still have not responded. So, for the Minister to say that the Opposition has been briefed is telling only half the tale and, I would argue, misleading the Committee. We have not had the gazettal notice and we have not had the answers to our questions—and we still have not. There may be some internal reasons why he did not want us to have them—that is up to him—but he should not come in here and tell the Committee that we have had them, because we have not.

The CHAIRMAN: Clause 5 of the Bill involves the functions, and the issue as to whether members did or did not have a copy of the notice for future gazettal is not really germane to the passing of this clause. Whatever else members may think, it is not germane to the passing of clause 5.

The Hon. FRANK BLEVINS: I can see that that may be the case, but I think you, Mr Chairman, would also concede that all I did is respond to the Minister. If it was out of order for me to mention it, it would be out of order for it to be mentioned in the first place.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—'Continuation of SAHT.'

Ms HURLEY: I move:

Page 6, line 6—Leave out 'by notice'.

My amendment to clause 8 is carried through in a number of other amendments I have tabled. It basically provides that, rather than have changes made or statutory corporations created or disposed of by notice, these arrangements should come back through Parliament. The Parliament has an opportunity to scrutinise these arrangements and to make the Minister accountable to the Parliament of South Australia for any changes that are made to these important South Australian institutions. The reason for doing this is the accountability provisions that I have talked about before.

It is very important that the people of South Australia have advance notice of the intentions of what is happening with these organisations that are so vital to this State, particularly to the tenants of the South Australian Housing Trust who, for their stable housing and adequate housing needs, rely on the trust. They also rely on the Urban Land Trust for the orderly development of land within the State which, as I previously mentioned, is so important in terms of the stable and relatively low house prices that we have enjoyed. So, basically, all I am asking is that, rather than the Minister having absolute control of these organisations merely by notice, he simply do Parliament the courtesy of bringing those matters to the attention of Parliament and allowing us to scrutinise them.

The Hon. J.K.G. OSWALD: If I am to create a new business corporation throughout all the agencies, the Minister should be in a position to manage and be responsible for all the entities. Then, through clause 28, I should be responsible as the Minister of all agencies for my actions, through the Treasurer and back through the Auditor-General, as well as before the Parliament at Estimates Committees. I understand the reasoning behind the honourable member's amendment. However, I do not accept it, because it gets away from this whole principle of setting up a corporate structure and running it as a business. It is no different from any other head office running a corporation in the private sector. But it should have responsibility, through checks and balances and through this House, ultimately to the Parliament.

I believe that ultimately the taxpayer and the clients of the five agencies are well covered for the form of legislation, and certainly sufficient checks and balances are contained in the Bill to ensure that the Minister of the day—not necessarily me—is responsible to the Parliament and to the people of South Australia. It is potentially a very efficient organisation, one that can be very flexible and can respond quickly to commercial decisions. After all, it involves a housing and urban development portfolio. It has to respond to commercial decisions and be involved in commercial decision making. The structure we are proposing is quite appropriate, with all the checks and balances you need for a large Government agency in the public sector.

The Hon. FRANK BLEVINS: I wish to support the Opposition spokesperson's amendment. The Minister said he wants to run this like a private corporation. This is not a private corporation but a public housing and urban development department. If the Minister wanted to run a private sector outfit, he should have stayed in the private sector, although I note in passing that he was in a very protected industry. It is sheer hypocrisy for these people, including people from the pharmacy industry, to go on about free enterprise and the rugged individual. However, that is by the by; I do not want to transgress Standing Orders. If you want untrammelled power to do whatever you wish, then you should go into the private sector and do it, although I still suggest you will have to answer to shareholders. These are public sector institutions—and very significant public sector institutions at that.

We are asking for more parliamentary scrutiny, not less. The Minister, like most of his colleagues, is a bit of a one trick pony in that, whenever they get into any kind of corner, they just lash out and say, 'the State Bank'. Let me remind the Minister of this: the Minister, when he was in Opposition, voted to put the State Bank a further arm's length from the Government than the Bill that was before the House proposed. That, among other things, was the State Bank's undoing. The road that the Minister wants to go down is his ideological road; not the road for the public sector or a public sector institution.

When public sector institutions are involved, maximum scrutiny by the Parliament has to be the order of the day, particularly when the Minister wants to subject public housing tenants to abuse. By and large, they are a very vulnerable group of people. They are also open to abuse in the land development area. We know the history of the Liberal Party and some members of it in that area, and some of the fortunes made. They have then come and sat in this Parliament as a part-time job. If you are going to do all those things, and you want to do it as some kind of private operation, then off you go into the private sector, but we will resist that happening in the public sector. Accountability is what the member for Napier is attempting to achieve, and I hope that the entirety of the Parliament will support the honourable member in achieving that aim.

The Hon. J.K.G. OSWALD: I know that the honourable member has come in to help out the member for Napier tonight, but I do not think the member for Napier has briefed him properly. Nor do I think he has even read the Bill properly before coming in here and making some of these political points. One of the points that the honourable member is making involves this whole question of reporting. I refer the honourable member to clause 31, which under the heading 'Annual report' provides:

(1) A statutory corporation must—

and that refers to all the statutory corporations and all the entities—

on or before 30 September each year, prepare and present to the Minister a report on the operations of the statutory corporation during the financial year that ended on the preceding 30 June.

(2) The report must incorporate the audited accounts and financial statements of the statutory corporation.

(3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

As a former Treasurer, the honourable member will know that that is a pretty fair constraint on the Minister of the day. It once again puts to rest many of the honourable member's concerns about the direction that I am taking with this new entity. It has all the checks and balances that I believe will satisfy the public of this State.

I acknowledge that it is the Opposition's role to probe and find flaws in legislation. However, there is nothing in this Bill that has yet been identified by the Opposition that would give us any reason to believe that the public housing authority is about to be dismantled and that the Minister is being given unfettered powers that ultimately do not get sheeted back here to the Parliament, to which I am ultimately responsible. I suggest that the honourable member read the Bill.

The Hon. FRANK BLEVINS: The Minister chooses abuse as his form of debate. That is all very well if you are

good at it; it can be effective on occasions. However, the Minister is not even very good at it. The Minister wants untrammelled power in this area. The Opposition is saying that this area—and I would put the same argument in relation to any other public sector area—does not lend itself to that form of operation. The Minister has said repeatedly throughout this debate that he wants the organisation to run as a business. We are talking about the most fundamental thing here: shelter. We are not talking about a business.

If the Minister wants to run a housing business he should go to work for Hickinbothams or any of the other characters out there who provide shelter. I agree that they have the right within the law to do as they wish. I would argue that the position of the Minister for Housing is different. We do have a fundamental difference: ideologically the Minister thinks that this is just another business, that it ought to be run accordingly and that the CEO, the managing director, chairman of the board or whoever is nominally in authority ought to have the right to do as they wish. In the private sector, subject to the shareholders, that is true; here that is not true. The Minister is clearly finding it difficult to understand that this is the public sector.

The Minister also made some gratuitous comments about my coming in here to help the member for Napier. I am not sure that the honourable member would agree that I am helping her. My interest in this is pretty fundamental: in the 30 years that I have been in Australia I have lived in two Housing Trust houses.

The Hon. J.K.G. Oswald interjecting:

The Hon. FRANK BLEVINS: That's right. The majority of my constituents and the overwhelming majority of people who sent me here live in Housing Trust houses. I can assure the Minister that, on his record so far with the Housing Trust, those people would not thank me for allowing him to have dictatorial powers over them—because that is what we are talking about here. They do not want that and I do not blame them. Even if it had been a Labor Minister doing this I would have been just as opposed, because I have a regard for the Housing Trust and the Urban Lands Trust that the Minister apparently does not have.

The Minister referred to the good things that the Housing Trust was doing. None of that was new; the trust has been doing those things for years under the legislation, under the structure and under a board with authority that the Minister wants virtually to abolish. So, there is nothing new in what the Minister said that the Housing Trust is going to do, that is, if we can believe him. That gets back to my fundamental question: if this gives the Minister no more authority, if there is nothing he wants to do that is not already being done, why bother?

The Hon. J.K.G. OSWALD: I have answered that question on three occasions. I do not think it warrants going through and developing the argument a fourth time. We might just let the matter rest there; it is on the public record now. I have explained it over and over again: the security of the Housing Trust and as it will apply in this Bill—

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: I have explained the community service obligations that will be retained, the role of the property management area and how the tenancy management group will operate. It is all there. The trust will come out of this restructuring as a very strong organisation with a Government that is dedicated to protecting the public housing sector. The honourable member knows that and he knows my attitude towards the public housing sector, which is a very healthy attitude as far as a Minister for Housing is concerned. He knows that his tenants in Whyalla have nothing to fear.

Amendment negatived; clause passed.

Clause 9—'Formation of bodies.'

Ms HURLEY: I move:

Page 6, line 11—Leave out 'The Minister may, by notice in the *Gazette*' and insert 'The Governor may, by regulation'.

The argument in relation to this amendment is along the same lines as that involving the previous amendment—that we would prefer Parliament to have scrutiny of whatever happens. I just want to add one small thing that the Minister does not seem to have answered in his reply. When he was talking about accountability, the Minister mentioned annual reports to Parliament, the Estimates Committees, and so on. We are saying that by that time it can often be too late. We want Parliament to have an opportunity to scrutinise these things before they happen and perhaps before they do some damage to the institutions in question. You never know, Parliament might even have some useful suggestions to make that the Minister could utilise in setting up these corporations.

The Hon. J.K.G. OSWALD: As I said earlier, I understand where the honourable member is coming from in her request. I just do not happen to accept it, for the reasons I have given when addressing other clauses.

The Hon. FRANK BLEVINS: That is just not good enough at all. That is treating the Committee with contempt.

The Hon. J.K.G. Oswald interjecting:

The Hon. FRANK BLEVINS: That is treating it with total contempt and I do not appreciate the Minister's interjecting, either.

The Hon. J.K.G. Oswald interjecting:

The Hon. FRANK BLEVINS: You should know better. I support this amendment. What does the Minister have to fear? Why is the Minister so frightened of the Parliament? All we are saying to him is, 'Come back to the Parliament.' If he wants to make some significant or fundamental changes to something, that is okay. Governments have the right to do that, but Parliament has a right to scrutinise, a right to comment and a right to make suggestions.

Let him not treat the Parliament with contempt, because that is what is happening here. I know that this amendment and a number in the same terms will be vigorously put forward both here and in another place. The arguments will be very strong, so I urge the Minister to have a think about this. The Minister has been here for a long time, yet he wants the reporting mechanism to Parliament to be in the form of an annual report—most of them are little more than glossies: they are worthless, in the main. I would have thought that the Minister would have more respect for the institution than that. Anybody would think it was a crime: all we are asking is for Parliament to have a say. To me, that does not seem unreasonable. Let Parliament have a say: that is what the amendment proposes, and every member of Parliament, irrespective of whether in government or in opposition, ought to support it.

The Hon. J.K.G. OSWALD: I do not deny Parliament's right to have a say. I have always believed in Parliament's right to have a say, but we also elect a Government and appoint a Cabinet and we have a responsibility to manage our departments. In managing the department, under clause 28 there are huge constraints on the Minister to ensure that he is correct in everything he does, and his reporting processes are all spelled out. I will have to work with the Treasurer, and

I know that I will not get an opportunity at any stage to step out of line, particularly when we look at the vast assets of the new HUD department.

I believe that there are constraints on the Minister. Not only does he have to face Question Time every day but he has the Estimates Committees and the Auditor-General, who can step in at any time, plus all the other constraints that are put on him by Treasury, let alone the Treasurer. They are particularly formidable opponents in Cabinet, as I am sure the honourable member would know. I am sure that, if the roles were reversed and the member for Whyalla were the Treasurer and had to deal with this legislation, he would make sure that the Ministry of Housing was kept well under control.

The Hon. FRANK BLEVINS: I want to correct one thing: Treasury has absolutely no decision-making power whatsoever, and the day that Ministers kowtow to Treasury is when they will go very seriously astray. For the Minister to suggest that Treasury has any influence on him or any influence in carrying out the intent of this legislation is just nonsense. These issues are policy issues and have nothing whatsoever to do with Treasury. I am very disappointed that the Minister has not seen fit to have confidence in the Parliament, to hold the Parliament in some respect by agreeing to this amendment but, as I said, it will be pursued and pursued vigorously until this Bill comes to some finality.

The Hon. J.K.G. OSWALD: Once again, the honourable member obviously has not had an opportunity to read the Bill. If he goes through clause 25, 'Securities'; clause 26, 'Tax and other liabilities'; and clause 27, 'Dividends' (and there may even be other clauses), he will see that the Treasurer and Treasury do have an overview.

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: The Treasurer is very important, but Treasury as a department is involved and has an overview of what goes on in the entities.

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: If the honourable member reads the Bill, he will find that it is just one of the many checks and balances that I keep putting to the Chamber are there, which should placate concerned minds.

The Hon. Frank Blevins interjecting:

The Hon. J.K.G. OSWALD: Read the Bill.

Amendment negatived.

Ms HURLEY: I move:

Page 7, lines 18 and 19—Leave out subclause (6) and substitute:

(6) However, if a regulation is in force under paragraph (e) of subsection (2) in respect of the statutory corporation, a statutory corporation must not be dissolved unless the Governor is satisfied that any relevant procedure prescribed under that paragraph has been followed.

(7) If a transfer of assets or rights occurs under subsection (5)(b)(iv), the Minister must, as soon as practicable after the regulation effecting the transfer is made, present a report on the matter to the Statutory Authorities Review Committee of the Parliament (but the Statutory Authorities Review Committee is not required to report on the matter to the Legislative Council if the Statutory Authorities Review Committee resolves that a report is unnecessary in the circumstances of the particular case).

(8) If a regulation establishing a statutory corporation under this section is disallowed by either House of Parliament, the assets, rights and liabilities of the statutory corporation become assets, rights and liabilities of the Minister.

I move this amendment because we are a little concerned about what will happen in the case of a body that is dissolved under the provisions of the Bill. Subclause (5)(iv) provides:

In prescribed circumstances, subject to prescribed conditions (if any), and with the agreement with the person or body [the assets may be transferred]—to a person or body that is not an agent or instrumentality of the Crown;

The amendment seeks once again to provide some accountability in that process, so that the Minister is not simply able to transfer the assets of any of these corporations through to a third party without any scrutiny of the Parliament. We believe that this is particularly important. A huge body of assets is contained both within the Housing Trust and the Urban Land Trust, and we believe that it is not appropriate for the Minister under this vague definition of 'prescribed circumstances' to transfer those assets to a 'person or body that is not an agent or instrumentality of the Crown'. This is a very important provision, and I reiterate that I believe it is essential that the Parliament should have scrutiny of such a transfer before it occurs and not afterwards.

The Hon. J.K.G. OSWALD: I refer the honourable member back to subclause (5)(iv), as follows:

In prescribed circumstances, subject to prescribed conditions (if any), and with the agreement with the person or body. . .

As I understand it, the prescribed circumstances are set out by regulation, and that would go before the Legislative Review Committee, and you get a check and balance, I would have thought, through the Legislative Review Committee. I question whether the procedure of bringing in subclauses (6), (7) and (8) is duplication. There is no point in having the same provision reviewed twice, and on that basis I am not prepared to accept the amendment.

Ms HURLEY: It can be brought back to the Parliament by the Legislative Review Committee, but in this instance I refer to Liberal Party policy, which talks about parliamentary committees. The preamble says that parliamentary committees are one of the important means by which Government is held accountable to Parliament. Again, the proposal under Liberal Party policy is to legislate to establish a Statutory Authorities Review Committee as a standing committee of the Legislative Council. Its role will be to investigate the functions and operations of designated statutory authorities, report on whether particular authorities should continue to operate and, if so, in what form and subject to what constraints. It seems to me that this policy fits this situation like a glove. It is appropriate that the Statutory Authorities Review Committee has the opportunity to look at these new statutory corporations which the Minister intends to set up. This amendment simply seeks to put what is Liberal Party policy into the Minister's Bill, and I believe that is entirely inappropriate.

The Hon. J.K.G. OSWALD: I still believe there is no point in having the same provision reviewed twice, but I listened carefully to what the honourable member said. Before the Bill is debated in the other place I am prepared to see whether there are any other alternatives which could be considered in the other place. At this point I believe that having it reviewed once is enough, but between now and when the Bill is debated in the other place I will have another look at it, and we may come to an arrangement.

Amendment negatived; clause passed.

Clause 10 passed.

Clause 11—'Appointment of boards of statutory corporations.'

Ms HURLEY: I move:

Page 7, line 25—Leave out 'Minister' and insert 'Governor.'

I believe it is normal practice for a statutory corporation to have its board appointed by the Governor. This provision, whereby the members of the board and the presiding member

are simply appointed by the Minister, devalues boards under the Minister's control—particularly the South Australian Housing Trust Board. To have members and the presiding member appointed and dismissed at the whim of the Minister is unacceptable to a board that the Minister assured us will continue to be strong and independent. It is reasonable to ask that the Governor appoint board members.

The Hon. J.K.G. OSWALD: I do not accept the proposition. If the Minister is ultimately responsible for his department, he or she should be in a position to make appointments to boards. It is not an uncommon practice in Government for a Minister to appoint board members. I feel quite strongly about it and remain of that view. There has been concern all along that the Minister has too much power, but it is a very large organisation which has enormous assets. Given the ministerial structure through the office of the CEO and the hierarchical structure through the department and the amount of advice that is there, it is a very manageable organisation as far as administration is concerned. The Minister is and should be in a position to be able to run that department efficiently and make the appropriate appointments. What is more appropriate than the Minister appointing the members of his boards?

The way this Government operates is that for major boards the members of Cabinet talk to each other, and Ministers do talk to the Premier about senior appointments. It is not as if Ministers go off and do it on their own: we do talk to each other. I am sure that, if a board like the new Urban Projects Authority Board were set up, the Minister of the day would discuss it with his Premier. It is not as if it is just a Minister running off on his own. At the end of the day, the Minister will be held responsible in this Chamber for what happens to that entity. Because of that I believe strongly that the Minister should make the appointments and be held responsible in this Chamber for the appointments he makes.

The Hon. FRANK BLEVINS: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Amendment negatived; clause passed.

Clauses 12 to 21 passed.

Clause 22—'Specific powers.'

Ms HURLEY: I move:

Page 12, line 31—Leave out 'a notice under division 2' and insert 'regulation'.

The Hon. FRANK BLEVINS: I support this amendment. It is of a different magnitude from the previous amendments to clauses 11 and 12. The implementation of those provisions by regulation is extremely important. I agree with the member for Napier that essentially the argument about the Minister's having untrammelled powers or bringing things back to the Parliament, which is a significant argument, has already been canvassed under previous clauses. I can imagine the Minister, when in opposition, moving an identical amendment. If the Minister of the day had been wise at that time, he or she would have agreed, and on many occasions they did. If they did not agree in this House, they subsequently had to agree in the Legislative Council or at a conference.

I have a difficulty with Cabinet Ministers or any other members of Parliament wanting to avoid parliamentary debate. It seems fairly fundamental that, where significant changes are being made, those changes be brought back to the Parliament. That is a fairly fundamental principle and one with which I have never had any difficulty whatsoever. They ought to come back to the Parliament. As somebody who has a great deal of respect for the Parliament and who enjoys the Parliament, I believe it is the proper place for us to discuss these changes if we choose to do so.

The fact that we are attempting to put the regulation into place does not mean that we have to discuss it, but the provision is there for us to do so if we wish. At all times where it is appropriate, these measures ought to be undertaken by regulation. The arrogance of the Minister and the Minister's advisers who want everything to be done by fiat of the Minister in this Bill really surprises me. There is not another Minister or substantial Act of which I am aware that does not have extensive provision for regulations: they do. But apparently under this one all the important decisions are taken by the Minister and bypass Parliament completely. Who do these people think they are?

There are 13 Ministers in the Government and I cannot think of another 10 who would behave in this manner. Whatever has possessed the Minister to want to take all this power for himself? With the greatest of respect to the Minister, I believe that this garbage has been served up to him and he has not understood the consequences of what he is proposing. In other words, the Minister has been conned. I find it difficult to believe that somebody who has been in this Parliament for almost two decades—since 1979—does not have more respect for the Parliament. I know that most of the Ministers do, but not this Minister. We can only speculate why. I put my speculation on the record: either the Minister has had a rush of blood to the head or he does not know what he is doing and simply accepts the word of the department, which always wants things to be easy.

The bureaucrats do not want things done by regulation as Parliament is an inconvenience—an even bigger inconvenience than the Minister. The Minister is a huge inconvenience to the department. Ministers only occasionally want to run a particular policy agenda and frequently the Minister's or the Government's policy agenda is quite contrary to the department's agenda and departments take extreme objection to the Government's establishing a policy. So the Minister is an irritant but many can be got around with a bit of soft soap, a flannel and flattery—a bit of 'Yes, Sir', 'No, Sir.' We have all seen it. But Parliament is a real impediment to departments. They loathe and hate Parliament because Parliament does not consist of spineless Ministers who just do as is proposed.

The Hon. J.K.G. OSWALD: I believe we have canvassed this matter thoroughly and I certainly cannot support the amendment for the reasons which I have put on the record several times tonight. On top of that, the honourable member refers to his concern about too much ministerial fiat. The Opposition's amendment really does not make sense in light of what the former Minister has said. It provides:

(c) with the approval of the Minister or as authorised by regulation.

That is the wording the Opposition wants, but what is it on about? The Opposition cannot have it both ways. I suggest that the honourable member go back and redraft her amendment; she should take her pick or toss a coin. She wants either the version of the member for Giles, where he is frightened of giving the Minister too much power, or her version for regulation. Collectively, the Opposition has put up an amendment to the Committee which says that they want the approval of the Minister or as authorised by regulation. Clearly the Opposition's amendment does not make sense: it needs redrafting. Perhaps after they have redrafted it and

decided which they want, we will come back and make a decision. In the meantime, we have debated the issue thoroughly. The Opposition knows my thoughts and the Government's views, and on that basis I oppose the amendment.

Amendment negatived; clause passed.

Clause 23 passed.

Clause 24—'Transfer of property, etc.'

Ms HURLEY: I move:

Page 13, after line 33—Insert—

(4) If a transfer of an asset or right occurs under subsection (1)(b)(iv), the Minister must, as soon as practicable after the notice effecting the transfer is published, present a report on the matter to the Statutory Authorities Review Committee of the Parliament (but the Statutory Authorities Review Committee is not required to report on the matter to the Legislative Council if the Statutory Authorities Review Committee resolves that a report is unnecessary in the circumstances of the particular case).

This is very much the same argument I put with regard to the disposal of assets. Where the transfer of large amounts of property occurs within the Urban Land Trust and the Housing Trust, I believe that, in accordance with Liberal Party policy, it would be good to subject it to the scrutiny of the Statutory Authorities Review Committee.

The Hon. J.K.G. OSWALD: We have discussed this issue at length previously. This is similar to the amendment which was moved to a previous clause and about which I kept making the point: I could see no purpose in having the same provision reviewed twice. However, I did say that we would look at it before the matter is raised in another place, and we may or may not be able to come to some accommodation.

Amendment negatived; clause passed.

Clauses 25 to 38 passed.

Schedule 1 passed.

Schedule 2—'Transitional provisions.'

Ms HURLEY: I move:

Clause 5, page 20, line 22—Leave out 'by the Minister'.

The Hon. J.K.G. OSWALD: I have looked at the amendment and have given it some consideration. I am prepared to accept it.

Amendment carried.

Ms HURLEY: I move:

Clause 9, page 21, after line 23—Insert new subclause as follows:

(2) Regulations under this Act must, on the commencement of Division 1 of Part 3—

(a) provide for the constitution of a board of management of SAHT; and

(b) specify the functions of SAHT,

and may make other provisions (not inconsistent with this Act) that in the opinion of the Governor are necessary or expedient for the purposes of SAHT.

This is a very important amendment. Before the transition occurs, we want to have outlined exactly what will happen with the South Australian Housing Trust and the Urban Land Trust. This amendment is designed to allow regulations under the Act which will provide for the constitution of a board of management of the Housing Trust and, importantly, specify the functions of the Housing Trust. We want to be very clear what will happen to the Housing Trust: we want the opportunity for scrutiny.

I have had only a quick glance at the draft gazettal (I had not previously seen it), but I still do not believe that it addresses in sufficient detail what should be the functions of the Housing Trust. We are concerned to see that tenants' rights are protected and that the social obligations of the Housing Trust are set out clearly and are there for the scrutiny of Parliament so that the Housing Trust has a charter under which it can operate and which continues the proud tradition of the Housing Trust in meeting the needs of its existing and future tenants.

The Minister has sought to allay our fears as to what might happen to the Housing Trust with regard to the selling off of stock and the privatisation and outsourcing of functions. If what he has said is so, I would like to see it spelt out clearly in the regulations (as outlined in my amendment) in a lengthy and detailed form. If the Housing Trust is to continue much as it is, I see no problem in the Minister's being able to give us a clear outline of those functions.

The Hon. J.K.G. OSWALD: I am prepared to look at this amendment. We might consider a gazettal notice or perhaps some other measure between now and when the Bill is debated in another place, when we can re-examine the issue and put up proposals.

Amendment negatived; schedule as amended passed.

The Hon. FRANK BLEVINS: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Title passed.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a third time.

Ms HURLEY (Napier): I am still disappointed with the majority of the provisions of this Bill. Having been brought up in a Housing Trust house and representing an area which has a large proportion of Housing Trust houses, I have strongly ingrained in me the importance of a strong and viable Housing Trust. I am disappointed to see in this Bill the means by which the organisation may be dismantled. We have been given a number of reassurances by the Minister, but he has resisted any attempts to have them enshrined in the statutes, and it is that and the lack of accountability in the new structure which disappoint me most. The Opposition and the Labor Party generally, Housing Trust tenants and the citizens of South Australia would not be satisfied if we did not strongly oppose this Bill.

The Hon. FRANK BLEVINS (Giles): I, too, oppose the third reading. The Minister could have saved himself a bit of grief tonight—and I hope there is more to come for the Minister as the Bill goes through the parliamentary process—if he had had the courtesy to give the Opposition the information it asked for. That information was fairly fundamental: for example, how will this Bill affect Housing Trust tenants and how will it affect the price of land? These are very fundamental questions. I am sure that members opposite feel that members on this side are being unnecessarily emotional about this. The fact that we are emotional is true, because these institutions are very dear to us indeed. Had the Minister answered our questions weeks ago when they were asked and had he not stood up in Committee and insisted that he had given us documents which he had not given us at all, perhaps some of the grief and time could have been saved.

Make no mistake about what is happening in South Australia: the Minister and the Government have absolutely no regard whatsoever for these two institutions. They see this as socialism, as not paying off their mates in the private sector, not paying off the land developers, the land agents, the real estate agents, those people who have traditionally made

a fortune and given some of it to the Liberal Party and then come and sat in this place and the other place for decades. To some extent, those people have been thwarted by the Urban Land Trust, and I fear that now they are about to be given millions of dollars by this Government as a pay-off for donations, anonymous and otherwise.

During the course of the debate, the Minister attempted to say that the Housing Trust would be unchanged. He mentioned all the things that the Housing Trust would do in the future. He did not mention one thing that it has not already been doing for many years. According to the Minister, if you can believe him, nothing will change regarding the Housing Trust. If that is so, why are we going through this performance tonight? I think the Minister gave the game away when he said the Housing Trust would be run as a business—full stop—with no social responsibility at all. Those of us who live in areas with a significant Housing Trust component know that the Housing Trust is more than an organisation that provides shelter, that it plays a tremendous social role. The Minister did not mention that once; he said only that it would be a business.

The amendment that was accepted and the assurances that were given by the Minister during the debate. with the Minister reconsidering certain amendments were, with great respect, at the edge of the debate. Central to the debate is the dismantling of these organisations. I cannot understand why the media completely overlooks and thinks unworthy of consideration 60 years of history—60 years of something that has been the very fabric of our social conditions in South Australia. The media does not seem to notice something so fundamental that is going through the Parliament.

I can only hope that a democratically elected other place will perhaps see it differently. I hope there is still some social conscience in the other place. It certainly diminished about 10 years ago when I left, but I hope that sufficient remains to ensure that this particular measure is either strongly amended or thrown out the window, because people on this side and anyone with a social conscience treasure the Housing Trust and the Urban Land Trust. We do not want to see broad acre land in this State given away to developers and allowed to be rezoned so that people can make an absolute fortune at the expense of new home owners. However, I fear that that is what this is all about.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr CLARKE (Deputy Leader of the Opposition): Much of what I would have said has already been said by my colleagues the member for Napier and the member for Giles. However, I would like to—

Mr Caudell interjecting:

Mr CLARKE: I am interested to hear the member for Mitchell say, 'Well, why don't you sit down?' I will not sit down because I wish to make a few points, in particular as a member who represents a significant number of constituents who rely entirely on the Housing Trust for their shelter. I also want to touch on a couple of points, because I do not think members of the Liberal Party in this House—in particular, members such as the member for Mitchell—fully appreciate the favour they may be doing us politically with respect to this legislation, because inevitably—

The SPEAKER: Order! I point out to the Deputy Leader, as he may not be aware, that this is not a second reading debate but a third reading debate, and I suggest that he link his remarks to the Bill as it came out of Committee.

The Hon. Frank Blevins interjecting:

The SPEAKER: I do not need the assistance of the member for Giles. The Deputy Leader of the Opposition.

Mr CLARKE: Thank you, Mr Speaker, for your advice. I am addressing the Bill as a whole as it has come out of Committee. The reality is this: the role of the Housing Trust will be significantly reduced. It is no secret that the Audit Commission report which came down last year made the point that was heartily endorsed by this Liberal Government that 12 per cent of South Australians live in Housing Trust homes versus a national average of 6 per cent. The Audit Commission recommended that we should not have any greater than the national average and that only welfare recipients not low wage income earners should be accommodated. The Liberal Party and this Government are turning their back on the heritage of Tom Playford where we provided affordable housing for low income earners and where the Housing Trust was used as an instrument of Government to attract and retain industry in this State and provide a stable, well resourced work force. What we ignore at our peril in this community is that we provide adequate and good shelter for our citizens.

The SPEAKER: Order! I do not know whether the Deputy Leader is aware that, traditionally, a third reading debate is very narrow. He must focus directly on the clauses and not enter into debate on matters which should have been discussed during the second reading debate.

The Hon. J.K.G. Oswald interjecting:

Mr CLARKE: Well, the Minister interjects that it is not a political speech. Of course it is a political speech. The simple fact of the matter is that we are dealing with the lives of tens of thousands of South Australians, both now and in the future. If that is a political speech, so be it, and I am very proud of it. Taking your point, Mr Speaker, I will limit my comments and, if I can get through my speech without interruption, I will be finished soon. The Government is turning its back on low wage income earners and their families who want to get a Housing Trust home, and that goes to the fundamental fabric of our society of providing shelter. The most important things to a family unit are shelter, adequate housing, health and education. This Government is turning its back on one of the most fundamental tenets of providing a social infrastructure for our society, namely, affordable and decent housing for the people concerned. We do not want to turn South Australia into tent city as the Thatcher Government did in the United Kingdom or the Reagan and Bush Administrations did in the United States.

With regard to the Urban Land Trust, the great advantage South Australia has enjoyed over many years is affordable housing which, being owned by the public institutions, has been released in an orderly style so that the public of South Australia are able to afford housing and to provide for their families. Members might recall the New South Wales Administration of Premier Robert Askin and the Bolte and Hamer Administrations in Victoria which turned their back on Gough Whitlam's money offer during his term as Prime Minister and also recall how the funds were received by the Dunstan Government which provided the fundamental

impetus for the creation of the land bank which we in South Australia have enjoyed totally. I conclude on this note—

Members interjecting:

The SPEAKER: Order!

Mr CLARKE: Well may the Liberals—particularly the oncers, like the member for Wright—bay at the moon with respect to this issue. The fact of the matter is that this will be the main issue which will turf most of you oncers out in a very short space of time, in particular the member for Mitchell.

The SPEAKER: Order! The honourable member is completely out of order. The honourable Minister for Housing.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I thank those members who have expressed their support for this legislation. We have now set in train a new direction for the Housing and Urban Development Department and also for the agencies over which it has control. The concerns about the future of the Housing Trust raised this evening are totally unfounded. Under this Bill, the Housing Trust will continue as a strong public housing entity, fully responsible for and responsive to its community service obligations. The property and service management divisions are committed to improving the public housing stock and ensuring that our customers, who are our tenants, are housed in the best conditions in Australia. The Urban Land Trust, which will become the South Australian Urban Projects Authority (SAUPA), will be a strong entity within the portfolio, having the responsibility for the former land bank, and also it will manage the Government's major projects. HomeStart remains untouched, and there will be a new planning division in there as well. There are some other minor entities. Collectively, though, it is a new direction for housing and urban development in this State. It will bring positive results, make progress and see a rejuvenated housing sector.

The private housing sector will also benefit from the arrangement. As we address our old Housing Trust estates and use the resources within the new department to refurbish them, only the tenants will be the victors. There is no doubt that this Government inherited debt, which this Bill addresses. It inherited many suburbs which have housing needs and which need a lot of work. The resources and the management structure will now be available to allow us to go ahead and meet our housing objectives. I thank members for their support, and I know they all look forward to seeing how this new entity will develop over many years for the betterment of South Australia.

The House divided on the third reading:

AYES (26)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J. t.)	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G. (teller)
Penfold, E. M.	Rossi, J. P.
Venning, I. H.	Wade, D. E.

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.	Geraghty, R. K.
Hurley, A. K. (teller)	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

PAIRS

Brown, D. C.	De Laine, M. R.
Olsen, J. W.	Foley, K. O.

Majority of 17 for the Ayes.

Third reading thus carried.

RETAIL SHOP LEASES BILL

Second reading.

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The SPEAKER: Is leave granted?

Mr Atkinson: No.

The SPEAKER: Order! Leave is not granted. The Minister will read the speech.

The Hon. J.K.G. OSWALD: The Retail Shop Leases Bill 1994 is introduced to regulate the leasing of retail shops in this State. The Bill replaces Part IV of the Landlord and Tenant Act 1936, which currently regulates commercial tenancy agreements and the means by which disputes arising under commercial tenancy agreements are resolved. A review of the area of retail tenancies was long overdue. The Landlord and Tenant Act came into operation in 1936 and has been amended only periodically since that time, with the last major amendments occurring in 1990. The focus of Part IV of the current Act is upon commercial tenancies and not retail tenancies, which form the majority of the leases covered by the Act. The Bill focuses upon retail lease agreements and recognises the need for a regulatory framework which is fair to both landlords and to retail tenants.

Members interjecting:

The SPEAKER: Order! There is too much conversation in the Chamber and I cannot hear the Minister.

The Hon. J.K.G. OSWALD: The Bill acknowledges the special relationship which exists between landlords and retail tenants by housing the provisions in a separate Bill. There has been considerable consultation with industry in the preparation of this Bill. Both landlords and retail tenants were anxious for the legislation to be reviewed and have made a valuable contribution as a unified group to the review process. They have met with the Government and have worked together to reach a significant measure of agreement on the Bill.

Mr BRINDAL: I rise on a point of order, Mr Speaker. The member for Spence refused the Minister leave to incorporate the second reading explanation. He is now making no attempt at all to listen to the Minister.

The SPEAKER: That is not a point of order.

Mr BRINDAL: Mr Speaker, I was about to ask you whether that is a contempt of the House.

The SPEAKER: The answer is 'No'.

The Hon. J.K.G. OSWALD: There was a mere handful of matters which could not be agreed upon and the Government has made its decision on these. The Government commends the representatives of landlords and tenants who have

spent so much time and effort in negotiations to reach what is largely an agreed Bill. A number of the provisions of the Bill reflect provisions contained in the New South Wales Retail Leases Act 1994, which was passed last year after an extensive consultation process over 18 months with key stakeholders from the retail tenant sector and the landlord sector. The review of the Landlord and Tenant Act 1936 and legislation covering the area of retail tenancies in other States has shown that there are many issues and concerns that are commonly shared by the retail sector throughout Australia.

There are six key features of the Retail Shop Leases Bill. First, there is the requirement for the preparation of compulsory written lease agreements and disclosure statements. Secondly, the Bill prohibits the inclusion of ratchet clauses in retail lease agreements. Thirdly, the Bill provides for more detailed information to be given by landlords to lessees in relation to outgoings on the part of the landlord. Fourthly, the Bill contains a significant new provision that prohibits lease agreements from preventing or restricting lessees from joining, forming or taking part in the activities of a tenants' association. Fifthly, the Bill contains a provision that entitles a lessee to be accompanied by another person when conducting negotiations with the lessor. This fundamental right was previously not available to lessees. Sixthly, the Bill contains greater rights on the part of lessees in relation to the receipt of information, notification and also in relation to their ability to obtain compensation under the Bill for such matters as misrepresentations made on the part of a landlord at the time the lease was being negotiated.

The Bill also preserves a number of important provisions that are contained in the current Act, such as the prohibition on the payment of key money, the regulation of security bonds, the warranty of fitness for purpose of the premises, the prohibition preventing a retail shop lease agreement from requiring a lessee from being required to pay land tax or to reimburse the lessor for the payment of land tax, the requirement for a minimum five-year term for a lease and retains the procedures in relation to abandoned goods.

The Bill introduces a new and improved system for the payment and retrieval of security bonds by lessees and lessors. The payment of security bonds will be made direct to the Commissioner for Consumer Affairs rather than the tribunal, and the Commissioner will have the power to pay out bonds in an over-the-counter payment where the consent of both parties has been obtained. The Bill also establishes the Retail Shop Leases Fund, which will be kept and administered by the Commissioner. This fund will replace the existing Commercial Tenancies Fund. I move:

That Standing Orders be so far suspended as to enable the remainder of this speech to be incorporated in *Hansard*.

The SPEAKER: There being present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

An honourable member: Yes.

The SPEAKER: The question before the Chair is that the motion be agreed to.

An honourable member: No.

The SPEAKER: There being a dissenting voice, a division is required. Ring the bells.

The House divided on the motion:

AYES (26)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J.	Bass, R. P.

AYES (cont.)

Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G. (teller)
Penfold, E. M.	Rossi, J. P.
Venning, I. H.	Wade, D. E.

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 17 for the Ayes.

Motion thus carried.

Remainder of Explanation

Another new provision contained in the Bill is one which relates to the trading hour provisions contained in a retail lease. These provisions will provide protection and certainty for lessees of shopping complexes, in the area of trading hours and recognises the difference between and the special needs of outward facing shops in a shopping complex. The Bill also contains new provisions for the assignment of leases and clarifies the rights of the respective parties, when assignment occurs.

Should this Bill be passed by Parliament, it is proposed that the legislation will apply to leases entered into before the date of proclamation subject, however, to modifications prescribed by regulation.

The Bill was extensively amended in the other place. It is the Government's intention to move various amendments to achieve a reasonable scheme that is consistent with its policy objectives. It looks forward to further constructive debate to achieve significant legislative reforms in this important area.

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 sets out definitions required for purposes of the new Act.

Clause 4: Application of Act

Clause 4 deals with the application of the Act. It excludes from its application leases where the lettable area of the relevant premises exceeds 1 000 square metres and the rent exceeds $250 000 per annum (indexed) and leases where the lessee is for example a financial institution which may be presumed well able to look after its own interests without statutory assistance.

Clause 5: This Act overrides leases

Clause 5 provides that the new Act overrides inconsistent provisions of a lease.

Clause 6: When the lease is entered into

Clause 6 establishes the date on which a lease is taken to have been entered into.

Clause 7: Administration of this Act

The Commissioner will be responsible for the administration of the Act.

Clause 8: Ministerial control of administration

The Commissioner will be subject to control and direction by the Minister.

Clause 9: Commissioner's functions

This clause is relevant to the Commissioner's functions under the Act.

Clause 10: Immunity from liability

A person will not be liable for an honest act or omission in the administration of the Act.

Clause 11: Annual report

The Commissioner will be required to prepare an annual report on the administration of the Act.

Clause 12: Copy of lease to be provided at negotiation stage

Clause 12 requires the lessor to make available a copy of the proposed lease to a prospective lessee who enters into negotiations with the lessor.

Clause 13: Lessee to be given disclosure statement

Clause 13 requires the lessor to provide the lessee with a disclosure statement setting out relevant information about the lease and the lessee's obligations under it.

Clause 14: Lessee not required to pay undisclosed contributions

Clause 14 provides that a lessee is not required to pay or contribute towards the cost of finishes, fixtures, fitting, equipment or services unless the requirement to make the payment or contribution is disclosed in the relevant disclosure statement.

Clause 15: Lease preparation costs

Clause 15 limits the extent to which the lessee may be required to pay costs associated with the preparation of a lease.

Clause 16: Premium prohibited

Clause 16 prevents the lessor requiring the payment of a premium *ie* an up-front payment sometimes described as 'key-money' for the grant of a lease.

Clause 17: Lease documentation

Clause 17 requires the lessor to provide the lessee with a copy of the executed lease.

Clause 18: Minimum 5 year term

Clause 18 provides for a minimum term of five years for a retail shop lease. However, this does not apply to a lease for a term of six months or less, or if the requirement is excluded by the lease and a legal practitioner explains the effect of the exclusion to the lessee before the lease is entered into and an appropriate certificate is filed in the court.

Clause 19: Warranty of fitness for purpose

Clause 19 provides a statutory warranty of fitness for purpose.

Clause 20: Security bond

Clause 20 limits the amount of the security that may be required under a security bond to 4 weeks' rent under the lease. The security is to be paid to the Commissioner for Consumer Affairs.

Clause 21: Repayment of security

Clause 21 provides for the repayment of the security at the end of the lease.

Clause 22: Payment of rent when lessor's fitout not completed

Clause 22 suspends the lessee's liability to pay rent until the lessor has completed carrying out fitout obligations under the lease.

Clause 23: Restrictions on adjustment of base rent

Clause 23 limits the frequency of changes to base rent (*i.e.* the component of rent that consists of a fixed amount).

Clause 24: Reviews to current market rent

Clause 24 deals with the review of rent where the lease provides for the rent to be changed at periodic intervals to current market rent. It provides for the appointment of an appropriate valuer and for liability for the costs of valuation.

Clause 25: Turnover rent

Clause 25 deals with turnover rent. It limits the categories of payment that may be brought into account as 'turnover'. It also limits the ability of a lessor to require the release of information about a lessee's turnover.

Clause 26: Special rent—cost of fitout

Clause 26 provides that a retail shop lease may provide for the payment of a special rent to cover the cost of fitout, fixtures, fittings and equipment installed by the lessor at the lessor's expense.

Clause 27: Recovery of outgoings from lessee

Clause 27 provides that outgoings cannot be charged to a lessee unless the lease sets out the nature of the outgoings and the basis on which they will be charged.

Clause 28: Capital costs not recoverable from lessee

Clause 29: Depreciation not recoverable from lessee

Clauses 28 and 29 provide that a retail shop lease cannot require the lessee to contribute towards capital costs or depreciation.

Clause 30: Sinking fund for major repairs and maintenance

Clause 30 provides for the proper administration of a sinking fund by the lessor to cover major items of repair or maintenance.

Clause 31: Land tax not to be recovered from lessee

Clause 31 prevents the recovery of land tax directly from the lessee.

Clause 32: Estimates and explanations of outgoings to be provided by lessor

Clause 32 provides for estimates and explanations of outgoings to be provided by the lessor.

Clause 33: Lessor to provide auditor's report on outgoings

Clause 33 provides for an auditor's report on outgoings for each accounting period under the lease.

Clause 34: Adjustment of contributions to outgoings based on actual expenditure properly and reasonably incurred

Clause 34 requires an adjustment between the lessor and the lessee for each accounting period to take account of under-payment or over-payment of outgoings.

Clause 35: Non-specific outgoings contribution limited by ratio of lettable area

Clause 35 provides for certain outgoings that are not referable to specific premises to be apportioned in accordance with lettable areas of the retail shops to which they relate.

Clause 36: Determination of current market rent under options to renew

Clause 36 deals with the determination of market rent under an option to renew.

Clause 37: Opportunity for lessee to have current market rent determined early

Clause 37 provides an option to have market rent determined early so that the lessee can decide in advance whether to exercise the right of renewal.

Clause 38: Harsh and unreasonable terms for rent

The Magistrates Court will have jurisdiction to review a provision about rent that is harsh and unreasonable.

Clause 39: Lessee to be given notice of alterations and refurbishment

Clause 39 requires the lessor to give notice of major alterations or refurbishment if there is likely to be an adverse effect on the lessee's business.

Clause 40: Lessee to be compensated for disturbance

Clause 40 creates rights of compensation for the lessee if the lessor unreasonably disrupts the lessee's business or fails in obligations of maintenance and repair with consequent loss to the lessee.

Clause 41: Demolition

Clause 41 requires at least 6 months notice of termination if the lessor proposes to demolish the retail shop to which the lease relates. The lessor will be required in certain circumstances to offer a new lease for new shop premises.

Clause 42: Relocation

This clause gives the lessee certain protections where the lessor proposes to exercise a right to relocate the lessee's business.

Clause 43: Damaged premises

Clause 43 provides for abatement of rent in the case of damage to the retail shop premises.

Clause 44: Employment restriction

Clause 44 prevents the lessor from interfering with the lessee's discretion to employ persons of the lessee's own choosing to run the shop.

Clause 45: Refurbishment and refitting

Clause 45 provides that a retail shop lease cannot require the lessee to refurbish or refit the shop unless the lease gives reasonable details of the nature, extent and timing of the required refurbishment or refitting.

Clause 46: Grounds on which consent to assignment can be withheld

Clause 46 limits the grounds on which a lessor may refuse consent to the assignment of a retail shop lease. If the lessor in fact refuses consent, the lessor must state in writing the reasons for the refusal.

Clause 47: Premium on assignment prohibited

Clause 47 prohibits the lessor requiring the payment of a premium for consenting to an assignment.

Clause 48: Procedure for obtaining consent to assignment

Clause 48 regulates the procedure to be observed where approval of the assignment of a retail shop lease is sought.

Clause 49: Lessor may reserve right to refuse sublease, mortgage

Clause 49 empowers the lessor to reserve a right to refuse approval, in the lessor's absolute discretion, to the subletting of the premises or a similar transaction.

Clause 50: Notice to lessee of lessor's intentions at end of lease

Clause 50 requires a lessor to give a prior indication of whether the lessor intends to offer a lessee a renewal of the lease and, if so, on what terms. Special rights of renewal may apply.

Clause 51: Unlawful threats about renewal or extension of lease

Clause 51 prohibits a lessor from threatening not to renew a lease if the lessee exercises rights under the new Act.

Clause 52: Premium for renewal or extension prohibited

Clause 52 prohibits the lessor from requiring a premium for the renewal or extension of a lease.

Clause 53: Part applies only to retail shopping centres

Clause 53 provides that Part 7 (Additional Requirements for Retail Shopping Centres) applies to shops in retail shopping centres in addition to the other provisions of the Act.

Clause 54: Confidentiality of turnover information

Clause 54 requires the lessor to keep information about the lessee's turnover confidential.

Clause 55: Statistical information to be made available to lessee

Clause 55 requires a lessor to make statistical information available to a lessee if the lessee has contributed to the cost of assembling the information.

Clause 56: Advertising and promotion requirements

Clause 56 provides that a retail shop lease cannot require the lessee to undertake advertising or promotion of the lessee's business.

Clause 57: Marketing plan for advertising and promotion

Clause 57 provides that if a retail shop lease requires a lessee to contribute to advertising and promotion expenses incurred by the lessor, the lessor must make available to the lessee proper information about the proposed expenditure on advertising and promotion.

Clause 58: Lessor to provide auditor's report on advertising and promotion expenditure

Clause 58 requires the lessor to give the lessee an audited report on the expenditure on advertising and promotion for each accounting period.

Clause 59: Unexpended advertising and promotion contributions to be carried forward

Clause 59 requires the lessor to carry forward unexpended contributions towards advertising and promotion and apply them towards future advertising and promotion of the shopping centre.

Clause 60: Termination for inadequate sales prohibited

Clause 60 provides that a retail shop lease cannot provide for termination of the lease on the ground that the lessee has failed to achieve a specified level or sales or turnover.

Clause 61: Geographical restrictions

Clause 61 prevents a restrictive covenant preventing a lessee from setting up business outside the shopping centre either during the term of the lease or after its termination.

Clause 62: Associations representing lessees

Clause 62 provides that a lessee cannot be prevented from joining an association to represent or protect the interests of lessees.

Clause 63: Trading hours

Clause 63 limits the extent to which a retail shop lease may regulate trading hours.

Clause 64: Special provision for strata shopping centres

Clause 64 prevents the articles of a strata corporation being used for the purpose of imposing requirements or limitations that could not be imposed by the terms of the retail shop lease.

Clause 65: Responsibility of the Commissioner to arrange for mediation of disputes

Clause 66: Mediation of dispute

Clause 67: Stay of proceedings

Clause 68: Statements made in the course of mediation proceedings

Clause 69: Power to intervene

Clauses 65 to 69 deal with the settlement of tenancy disputes by conciliation.

Clause 70: Jurisdiction of the Magistrates Court

Clause 70 sets out the jurisdiction and powers of the Magistrates Court to deal with actions relating to retail shop leases.

Clause 71: Substantial monetary claims

Clause 71 provides for the transfer of proceedings involving a monetary claim for more than $30 000.

Clause 72: The Fund

Clause 73: Application of income

Clause 74: Accounts and audit

Clauses 72 to 74 deal with the Retail Shop Leases Fund.

Clause 75: Industry advisory committee

Clause 76: Procedures of the industry advisory committee

Clause 77: Functions of the industry advisory committee

Clauses 75 to 77 provide for an industry advisory committee.

Clause 78: Special provision for sub-lease

This clause provides a degree of protection to a sub-lessee in a case involving default on the part of the sub-lessor.

Clause 79: Special provision about franchises

This provides for the separation of provisions about franchises from leasing provisions.

Clause 80: Abandoned goods

Clause 80 deals with the disposition of abandoned goods left on the premises at the end of the lease.

Clause 81: Exemptions

Clause 81 gives the Minister and the Magistrates Court power to grant exemptions from the application of the Act in appropriate cases.

Clause 82: Annual reports

Clause 82 requires the Commissioner for Consumer Affairs to report annually on the operation of the Act.

Clause 83: Time for prosecutions

Clause 83 deals with the time for commencing prosecutions under the Act.

Clause 84: Regulations

Clause 84 is a regulation making power.

Clause 85: Amendment of the Landlord and Tenant Act

Clause 85 provides for the repeal of Part 4 of the Landlord and Tenant Act 1936 and deals with transitional issues.

Clause 86: Amendment of Magistrates Court Act

Clause 86 makes various related amendments to the Magistrates Court Act in order to vest it with jurisdiction under this measure.

The Schedule sets out the form of the disclosure statement that is to be given to a prospective lessee before the lease is signed.

Mr ATKINSON secured the adjournment of the debate.

ADJOURNMENT

At 10.29 p.m. the House adjourned until Thursday 9 March at 10.30 a.m.