

## HOUSE OF ASSEMBLY

Tuesday 4 August 1998

The **SPEAKER (Hon. J.K.G. Oswald)** took the Chair at 2 p.m. and read prayers.

### PETERBOROUGH RAILYARDS

A petition signed by 85 residents of South Australia requesting that the House urge the Government to oppose the closure of the pedestrian subway under the railyards at Peterborough was presented by the Hon. G.M. Gunn.

Petition received.

### QUESTIONS

The **SPEAKER**: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 138, 143, 151, 153, 154, 157 and 196.

### PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry, Trade and Tourism (Hon. J.W. Olsen)—

District Council—Barossa Council—By-Law—No. 9—  
Height of Fences, Hedges and Hoardings Near  
Intersections  
Rules of Racing—Racing Act—Greyhound Racing—  
Principal

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R.G. Kerin)—

Fisheries Act—Regulations—Rock Lobster Fisheries—  
General

By the Minister for Human Services (Hon. Dean Brown)—

Development Act—City of Port Adelaide Enfield—  
Enfield (City) Development Plan—Former Hillcrest  
Hospital Land Plan Amendment, Report on the Interim  
Operation of  
South Australian Health Commission Act—By-Laws—  
North Western Adelaide Health Service  
Regulations under the following Acts—  
Psychological Practices—Fees  
Road Traffic—Declaration of Hospitals

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Daylight Saving Act—Regulations—1998-99 Summer  
Time  
South Australian Ports Corporation—Charter, 1997

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckley)—

University of Adelaide—  
Report, 1997  
Statutes, 1997.

### ELECTRICITY, PRIVATISATION

The **Hon. J.W. OLSEN (Premier)**: I seek leave to make a ministerial statement.

Leave granted.

The **Hon. J.W. OLSEN**: When I announced the Government's decision to restructure and privatise South Australia's electricity industry on 17 February, I made a commitment to

establish a community committee to work with the Government to ensure that all South Australians receive a fair deal from their private sector suppliers. That commitment was given legislative form as part of the package of Bills I introduced to the House on 22 July through a provision which requires the Independent Regulator to establish a Consumer Consultative Committee.

As members would be aware, the Independent Industry Regulator is the cornerstone of the system of consumer protection which will protect South Australian households and industry. The Independent Regulator will have powers to regulate price and to set and monitor service standards. The Government believes that, through the establishment of this committee, which will work with the Independent Regulator, consumers will have a continuing and central role in the regulation of the new electricity industry.

To ensure that the Government can maintain the timetable associated with the introduction of the national electricity market, the Electricity Reform and Sale Unit is currently drawing up a draft of industry codes. Compliance with the codes will be a mandatory licence condition for those companies that wish to operate in the new electricity market. The final shape and content of those codes will be the responsibility of the Regulator once the appointment is made. However, because of the importance of the codes to the system of consumer protection, the Government believes that it is appropriate that the industry and consumer bodies be involved now in their development.

Consequently, I advise the House that I have written to the Chairpersons of the South Australian Council of Social Services, the South Australian Employers Chamber of Commerce and Industry, the South Australian Farmers Federation, the Property Industry Council, the Conservation Council and the Consumers Association of South Australia asking them to appoint a representative of their organisations to an interim advisory committee. The purpose of the committee will be:

- to consult with the Government and its advisers on the content of the draft industry codes;
- to make recommendations for consideration by the Independent Regulator concerning the operation and resourcing of the Consumer Consultative Committee;
- to provide other advice in line with the provisions of section 14A of the Electricity (Miscellaneous) Amendment Bill 1998; and
- to provide advice to the Regulator ahead of the issuing of retail licences in accordance with section 24(3) of the legislation.

The establishment of this interim committee is evidence of the Government's continuing commitment to involve consumers in the control and regulation of the electricity industry in a way which has never occurred before and which is not possible under the current industry structure.

### WATER QUALITY

The **Hon. D.C. KOTZ (Minister for Environment and Heritage)**: I seek leave to make a ministerial statement.

Leave granted.

The **Hon. D.C. KOTZ**: The experience with the Sydney water contamination last week is a pointed reminder to South Australia of the need for vigilance in protecting and monitoring the water supplies which service this State. We know well, from the Bolivar incident, that complex factors need to be managed to ensure that our water and waste water systems

are healthy and effective. In that incident a simple mechanical failure led to a clean-up bill of over \$500 000. Contrary to my response to an interjection in Estimates Committee B, I have since been informed that this cost was borne by United Water.

The Government is determined that the newly constituted water catchment management boards work closely with the Department for Environment, Heritage and Aboriginal Affairs, the Environment Protection Agency and South Australian Water to manage the quality of water captured by the catchment areas in and around the State and, with this in mind, we are accelerating the process of establishing stringent guidelines to be contained within service level agreements between the catchment boards and the relevant Government agencies to ensure that what can be done is being done.

In particular, the Government will ask the agencies involved to redouble their efforts to prevent Giardia and the Cryptosporidium contamination of our water. The Sydney experience, as well as being a warning, does highlight the fact that this State has available to it world-class services. The level of local expertise in water quality and management is recognised to the extent that Professor Don Bursell, of South Australian Water's Australian Water Quality Centre, was called in by Sydney Water to assist in dealing with the crisis, assessing the causes and establishing solutions. The process of delivering safe water is not simple, and the responsibility for it is not only a Government one. Ensuring a clean water supply, through the protection of our water catchments, is the responsibility of every South Australian.

#### ASSENT TO BILLS

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

Barley Marketing (Deregulation of Stockfeed Barley) Amendment,  
Gaming Machines (Gaming Tax) Amendment,  
Non-Metropolitan Railways (Transfer) (Building and Development Work) Amendment,  
Stamp Duties (Miscellaneous) Amendment.

#### QUESTION TIME

**The SPEAKER:** Before calling for questions, I advise the House that questions for the portfolio of Industry, Trade and Tourism are to be directed to the Premier.

#### ELECTRICITY, PRIVATISATION

**The Hon. M.D. RANN (Leader of the Opposition):** Given the Premier's ministerial statement about the Government's continuing commitment to involve consumers in the control and regulation of the electricity industry, will he, before the Upper House votes on the ETSA sale, make available to members of the Legislative Council copies of all the suppressed documents that the Premier said convinced and compelled him to break his pre-election promise not to privatise ETSA—documents including the Schrodgers report the Separation Steering Committee reports and nearly 1 200 documents prevented from release under FOI?

**The Hon. J.W. OLSEN:** What the Leader omits in the premise of his question is the whole range of documentation that has been made available to the Opposition, including access to the consultants, where the Opposition was offered a briefing. I was delighted that Mr Terry Cameron took up the

offer for a briefing and then, one by one, a range of members of the Opposition joined that briefing. I welcomed that, because it enabled the Opposition to pose a series of questions and receive responses to those questions directly from the consultants who were advising the Government.

In prefacing his question, the Leader of the Opposition indicated that there had been a change of policy by the Government. Yes, there has been a change of policy by the Government, and I have detailed to this House on a number of occasions the reason for that change of policy. I assure the House and the Leader that one does not change policy on a major question such as this lightly. We did so principally as a result of the Auditor-General's Report that was tabled in this Parliament in the first week of December last year. Having received the Auditor-General's Report, 8 we noted that it clearly identified the number and range of risks which, to paraphrase, was of the quantum of a State Bank. We took the view that we could not countenance having a warning such as that by the Auditor-General—the public watchdog—and ignore that warning.

As I have said on a number of occasions, in changing our policy in relation to ETSA, there has been some political pain for me and the Government. That is why you do not make those decisions lightly, but you make them because of the imperative of the circumstance, and the imperative of the circumstance—

*Members interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**The Hon. J.W. OLSEN:** —is clearly indicated in the Auditor-General's Report which has been tabled in this Parliament. In addition to that, if the Leader of the Opposition would like a further detailed in-depth briefing by the consultants or the legal advisers, or any other part of the team, we are happy to make those arrangements for the Leader. I would invite the Leader of the Opposition to take up the further offer of a detailed briefing by the consultants and advisers. I would also ask the Leader to consult with industry in this State.

Last Thursday night, with the Mayor of Elizabeth and a number of other people, I was at a function with the Managing Director of General Motors Australia who was here to celebrate Holden's 50th year in this State. He took the opportunity to point out to me the cost of power at General Motors-Holden's at Elizabeth compared to the cost of power at Ford in Victoria. He was making a very key point to me: if we want a continued manufacturing base and an expansion of the employment base in this State, we must go down the policy line to offer power prices that are competitive with those interstate.

The member for Torrens might well shake her head, but let her go out to the production line at Elizabeth and tell the employees, as we build up to 700 additional employees on the second production line of the world Vectra motor car, that her Party's policy is to oppose the reduction of input costs, to oppose the reduction of power costs at General Motors-Holden's at Elizabeth, because what they will do if they do not have a competitive base—

*Members interjecting:*

**The Hon. J.W. OLSEN:** We know that the Opposition has no policy—that is quite a stark difference. What would the member for Torrens say to the Managing Director of General Motors-Holden's or Mitsubishi—and one well recognises the external economic pressures on major investment and employment in this State from companies

such as that, or other major manufacturers who employ thousands of South Australians? The honourable member should go and tell them that she does not want to act to reduce their costs of input.

If you do not reduce their costs of input, you put at risk the employment of these people in South Australia. That is what you are doing: putting at risk their employment. Not only would they be doing that but also they would put at risk the attraction of private sector investment into this State. That is what they would put at risk. Why would people put a new manufacturing facility in South Australia when the costs of doing business here are higher than they are in other States of Australia, and away from the markets of Australia where they have transport costs as an additional disadvantage to access the markets?

*The Hon. M.D. Rann interjecting:*

**The Hon. J.W. OLSEN:** If the Leader would like another full briefing from all the consultants and advisers, that is available to him.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. OLSEN:** The Leader knows full well that we have not done that in the past. Prior to the sale, we have not made the advisers available in a way in which the Leader or members of his Party might be able to pose a whole series of questions and get the explanation that the Government is getting. That is what we are offering the Leader: the same access to advice that we are getting as a Government upon which we are making decisions. The Leader of the Opposition, if he avails himself of that—and I know that the Hon. Terry Cameron embarrassed him into going to the last meeting—

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order! The Leader will come to order.

**The Hon. J.W. OLSEN:** I again make that offer to the Leader, and I know that the business community would be expressing a clear view to the Opposition, as it is to us, that employment of South Australians is what is at stake. That is the bottom line to this policy decision. I want to go back to the start of this question from the Leader, because we have changed our policy. I have indicated publicly that we have changed our policy.

I also indicate that, clearly, you do not make a major policy shift such as that lightly, because you know the political circumstances in making a policy change of that magnitude. When I took a week off in January to assess this, I knew full well what the implications were for me and for the Government. But what would have been worse—to ignore the warnings and put this State's future at risk or to eat a bit of humble pie and say, 'On the new advice, we need to change our position'? Let me say, if it is a matter of taking some flak and getting it right for South Australia, I will take that option—getting it right for South Australia.

### STATE ECONOMY

**The Hon. R.B. SUCH (Fisher):** Will the Premier elaborate on recently released ABS data, in particular covering such areas as building approvals, retail trade, new car sales and exports?

**Mr Foley:** Ministerial statement!

**The Hon. J.W. OLSEN:** The member for Hart says, 'Ministerial statement.' I know that members opposite do not like it when the economic indicators are pointing in the right direction and they want to dismiss them, but let us put the

current state of the economy in South Australia into some perspective. Let us consider some indicators that are looking reasonably healthy for this State. Recent indicators continue the positive story for the State that we have consistently seen over a number of months. The retail trade figures for June 1998 released last week show South Australia performing more strongly than any other State. The real increase in turnover in the year to June was 8 per cent—higher than in any other State. The national average was 2.8 per cent. In the June quarter, South Australia was one of only two States to record a rise in retail turnover and in the month of June turnover rose .6 per cent—equal highest amongst the States. That was the seventeenth consecutive month of increasing trend turnover.

As members may recall, retail trade turnover trends in South Australia bottomed out in 1992-93 under the influence of the Labor Government's economic policies and has generally improved throughout the term of the Liberal Government as consumer confidence and economic management and prospects have returned. New car sales have been one of the main sources of strong economic growth in Australia over the past year and again South Australia shows up well compared with the other States. Seasonally adjusted, new car registrations in this State increased 12 per cent in June, and that is the highest level for 13 years. New car registrations in the State rose 22 per cent in the year to June, comfortably ahead of the national figure of 18 per cent. Our exporters also continue to put in an impressive performance. Figures just released show that, in the 1997-98 year, total South Australian exports were \$4.98 billion. We are only marginally down (.5 per cent) on the record level of the year before.

Despite the way the Asian crisis has affected trade nationally and internationally—for example, reducing our exports to South-East Asia by some 20 per cent—we have maintained our general export effort. In fact, excluding cereal products, which fell \$218 million, the State's exports rose 4.5 per cent. Cereal exports were affected by some timing factors, which delayed some shipments of wheat, and are expected to rise again soon. There were also some gratifying individual export success stories, especially wine, which increased by 42 per cent on top of a consistent growth above 25 per cent each year for several previous years. Fish rose by 24 per cent, reflecting the effort that the Government has put into encouraging aquaculture. Building approvals show that the housing industry is also improving. Latest figures show seasonally adjusted new dwelling approvals up sharply by 32 per cent in June and, by comparison, the national figure rose 8 per cent.

**The SPEAKER:** Order! I remind cameramen that they will film only members on their feet and no other. The honourable Premier.

**The Hon. J.W. OLSEN:** Between June 1997 and June 1998, the trend level of total dwelling approvals in the State was up by 13 per cent. As members are aware, these latest indications of a healthy and expanding State economy come on top of earlier signs, such as business investment at historically high levels and a net interstate migration loss continuing to fall steadily from the heights of 1993-94 of 8 000 South Australians leaving South Australia. Most importantly, economic progress is creating jobs, and the ANZ job advertisement series for July, released yesterday, shows that job advertisements in South Australia in seasonally adjusted terms rose again. Nationally, they fell slightly. They are now running at their highest levels since July 1990. That

clearly indicates that, on a range of economic indicators, the direction of the economy in South Australia is good. It is better than in some of the other States of Australia by comparison and augurs well for the policies that we have put down for continued growth and expansion.

#### ARMOUR, Mr C.

**Mr FOLEY (Hart):** Will the Premier tell the House whether plans exist to terminate the employment of ETSA Chief Executive Officer Mr Clive Armour and, if so, what is the cost of the payout of Mr Armour's contract?

**The Hon. J.W. OLSEN:** I will refer the question to the Minister responsible and obtain a reply.

#### WINE INDUSTRY

**Mr BROKENSHIRE (Mawson):** Will the Premier inform the House what action he is taking to ensure that the State's wine industry is protected in any changes to the national taxation system? The Leader of the National Party in Western Australia is reported in the Australian *Financial Review* as describing the Premier's support for continuation of a value based tax regime on wine as 'parochial and short sighted'. McLaren Vale wine makers and wine grape growers do not agree with that: they support what the Premier is proposing. What effect will a volume based system of wine taxing have on the industry?

**The Hon. J.W. OLSEN:** The South Australian wine industry is the cornerstone of the national wine industry of Australia, with some 50 per cent of production in this State and 70 per cent of Australia's wine exports—and that figure is growing. I think it is up to 72 per cent; it has an incremental base to it. Each week some two million bottles of South Australian wine leave our shore for overseas destinations. All I can say is that, if supporting a move which will protect that industry, which I would argue is in the national interest, which will protect 11 000 jobs in the State and which will ensure that the industry continues to grow is considered to be short sighted, then so be it. The industry believes that the export target of \$1 billion by the year 2000 is well within reach, and South Australia's exports will be maintained. Given the growth that we have seen in recent years and that to which I have referred—42 per cent last year on an annual base increase of 25 per cent—that clearly is an achievable target.

As I have indicated, the industry employs about 11 000 people in this State. As with the State's motor vehicle industry, it is imperative that it not be taxed in any way that puts those jobs at risk. That is the basis of my discussion with the Prime Minister. I have taken the case to the Prime Minister on three occasions and will continue to do so because of the importance of the industry in South Australia. I believe that it must be protected.

Any move to a volumetric excise would be regressive. It would hit hardest at low income levels and would increase the price of a bottle of wine in some instances by something up to \$6.60. That would have a significant impact on the bulk wine component of the market, and we would be forcing some of that production offshore to countries such as South Africa, Chile and the like. Recent economic modelling work undertaken for the State Government indicates that, compared with an *ad valorem* tax, a volumetric excise on wine, even if set at a rate that would raise the same revenue as the current

arrangements, would have an adverse impact on the overall wine industry.

The industry by and large has set a consistent view on this and taken that view to the Commonwealth, but out of Western Australia we see some boutique wineries having a different viewpoint because it is in their sectional interest. I note in the article in the *Financial Review*, when the Deputy Premier of Western Australia was pressured on this point, an indication of his acknowledgment, as follows:

His comments were driven by a desire to protect Western Australia's emerging wine industry, which is renowned for producing limited quantities of premium product.

There is the point acknowledged by the Deputy Premier of Western Australia. I seek the support of all members, including the member for Chaffey, in this matter. I suggest that she might take up with her interstate colleagues the need for us to ensure that there is no volumetric tax on wine as part of the taxation package to be released shortly, because the impact would reach out in all wine growing districts, and growers in the Riverland and Sunraysia areas would be directly affected by any move to introduce such a tax.

On previous occasions, when the industry has been under threat from taxation changes, the industry has stood up to fight, and this Government has taken up the issue with the Commonwealth Government to protect the industry base. We have won before, despite some odds, and we will pursue this again, because wholehearted support for the tax package in its entirety is dependent upon consideration of the wine industry and the tax on the wine industry in South Australia. With 11 000 jobs dependent on this industry, it is the taxation measures that are put in place that either give encouragement to the industry or stifle it. Why on earth would we want to do what some distillers and individual boutique wineries would have us do and tax an industry that is currently a success story? If it is a success, leave it alone and allow it to be even more successful and, if it is, the beneficiary will be this State and this economy, with new private sector investment and expansion and new jobs created in regional and country areas of South Australia.

One only has to look at the last year. Orlando Wyndham, BRL Hardy and Southcorp spent well over \$100 million (I am not sure what the final figure would be) in terms of new and continuing investment in this State. We want to ensure that we maintain the mantle as the wine State of Australia. To do so we have to ensure that the taxing regime, post GST to be announced in the next week or two, has due regard for the success of this industry and what it can do in exports and job creation.

#### ELECTRICITY, PRIVATISATION

**Mr FOLEY (Hart):** Will the Premier advise whether there will be any stipulation in the terms of any severance of senior executives of ETSA and Optima, including the Chief Executive Officers of both companies, to prevent their being employed or hired as a consultant by any bidder for the purchase of ETSA and Optima during the sale process, should a sale proceed?

**The Hon. J.W. OLSEN:** The negotiations are being undertaken by the responsible Minister. I will therefore again refer the question to the Minister.

### ASIAN ECONOMY

**Mrs PENFOLD (Flinders):** Will the Deputy Premier provide an update about the work being done within the primary industries sector to cope with the Asian financial crisis? I understand that the Asian financial crisis was one of the major topics discussed at the meeting held last week of the Agricultural and Resource Management Council of Australia and New Zealand.

**The Hon. R.G. KERIN:** At the Ministers' meeting held last week we had a presentation on the Asian financial crisis showing the effect that crisis was having across a varying range of commodities and indicating how it is affecting States differently, depending on which markets they are in. Whilst acknowledging the depth of the problems in Asia, I was particularly keen that we came up with a pro-active approach from the council, acknowledging that, without maintaining Asian exports, rural Australia would obviously be a major loser.

One of the key outcomes of the conference was a move to hold a general workshop across all Governments and industry to develop a strategy for Australian exports to Asia, particularly in the primary production area. The crisis is affecting industries and markets in varying ways. The major sufferer is the wool industry, because Japan, Korea and, to a lesser extent, China have slowed down. It has been predicted that the horticulture industry will dip, but that can be partly addressed by lifting the effort. Exporting cattle to Indonesia from northern Australia has ground to a halt: that market has collapsed. While wheat sales have held up well, there is a softening of the price, and concerns were raised that US food aid, particularly wheat into Indonesia, is interfering with some of our markets.

Despite export falls to Asia, some industries are successfully diverting product into other markets, and with that activity, and also the Asian exports, the exchange rate has worked in our favour. With the dollar down, there are opportunities for new exports as we become more competitive particularly against North America. It was also acknowledged that the events in Japan and China are crucial to the prospects of recovery in the region and, even though China's rate is the lowest since 1991, its growth rate is still comparatively good.

As I have said in this House before, South Australia has an opportunity to expand its Asian markets in the long term by expanding its market share at the moment, and that will allow us to reap rewards as those markets recover, but that will require a strong effort at the moment. We need to coordinate on a national basis the roles of Austrade, EFIC, AUSAID, the food industry groups, AQIS, Supermarket to Asia, and various State and Government bodies. The council talked about the need to consolidate and cooperate in the efforts that each of those groups make. The decision made by ARMCANZ last week was to hold a workshop, involving the key Commonwealth groups, State Governments and industry leaders, to consider how coordination can be improved. The workshop will report back to ARMCANZ.

We must maintain our links with the key markets through the troubled times as well as the good times. Everyone realises that the links that we have built up over time are absolutely crucial to our exports into Asia. So far, food exports to Asia have stood up remarkably well when compared with a lot of other commodities, and we have seen increases in wine and seafood exports. The picture from the preliminary ABS figures for 1997-98 is sound, but we can

expect some further tightening as the Asian crisis spreads. South Australian exports will be more competitive with the United States, for example, because of the dollar, which means that we have a role to play in ensuring that our producers are able to access these markets. South Australia will support the workshop and we will push for a strategy to be put in place as soon as possible which complements our current efforts to increase our penetration into the Asian market.

### MEMBER FOR BRAGG

**Mr CONLON (Elder):** Given that the former Industry Minister resigned not for misleading this House or for breaching the Premier's code of conduct but to assist the passage of the ETSA legislation, will the Premier rule out the member for Bragg's return to the front bench after the vote on the ETSA Bill in the Legislative Council?

**The Hon. J.W. OLSEN:** Yes.

### WORK AND FAMILY LIFE

**Mr SCALZI (Hartley):** Can the Minister for Government Enterprises advise the House of some of the initiatives being undertaken to make it easier for people to balance the demands of work and family?

**The Hon. M.H. ARMITAGE:** I thank the member for Hartley very much for his important question, because more and more people are looking to combine work and family pressures. One initiative undertaken recently was the launching of the Balancing Work and Family Life poster, booklet and brochure. The material is designed to provide the rationale for introducing flexible work practices and to give employers and employees ideas themselves on how to introduce work options to make their workplace more family friendly.

In understanding the need for introducing flexible work practices, one has only to look at the statistics and they are very stark. Fewer than 25 per cent of South Australian families fit the so-called traditional image of a dual parent family with a male breadwinner and a female responsible for domestic duties. Almost 50 per cent of Australian women with children under the age of five are working. About 60 per cent of all Australian families with dependent children have both parents working (including my family), and male and female workers are equally likely to miss work to meet family commitments. Those are very stark figures, and therefore it behoves the Government to help society work through the problems of balancing work and family life.

We recognise the need to maintain and improve the flexibility of the workplace relations system, and this House will have an opportunity soon to look at that issue. The flexibility needs to provide the opportunity for employers and employees, both male and female, to negotiate ways to integrate employment arrangements with the family and the parental responsibilities of workers. Recently the Australian Institute of Family Studies released some interesting figures, which estimated that about half of all absenteeism was related to family issues. It is too big an issue for the Government to ignore, and we have not ignored it.

If employees have difficulty meeting the demands, in some instances competing demands, of family and work, it is likely that both their work and their family performances will suffer. Without workplace flexibility, family problems can affect concentration, motivation and productivity, all of

which is self-evident. Balancing work and family life is not just a problem involving people with young children. As society ages, more and more people are providing care for older family members, so the responsibility continues during the course of an individual's life.

Another initiative will be the introduction in the Department for Administrative and Information Services of a vacation care program, which is designed to allow parents to have their children cared for throughout the school holidays whilst they are at work. Many working parents have to take their annual leave and look after their own children during the school holidays, and this program will alleviate that need. The booklet—which I am not displaying, but reading—is an excellent one, and that program and the vacation care program are examples of the Government's developing family friendly initiatives to enable people in today's society to combine their work and family commitments.

### HEALTH FUNDING

**Ms STEVENS (Elizabeth):** Following the Minister for Human Services' announcement today that the Federal Government has made a further offer of additional funding for public hospitals, can the Minister tell the House how much has been offered and whether the amount is sufficient to meet an understanding discussed by State Health Ministers last week that the States should not accept any offer of less than \$600 million?

**The Hon. DEAN BROWN:** The Federal Government, through the Prime Minister, is in the process of making an offer to each of the State Premiers and Territory Leaders. I am not in a position to outline exactly what that offer is: that is a matter for the Prime Minister to announce when he wishes to do so. As I indicated before lunch, the offer is a substantial increase on what was previously offered by the Federal Government. However, the offer falls far short of what the State Health Ministers asked for and I believe that it falls short of what funds we need for the operation of our public hospital system, particularly because of the crash in private health insurance and the additional demand that is therefore being placed on public hospitals.

It needs to be acknowledged that the State Health Ministers argued strongly for additional funds and, when the offer is made public, the honourable member will agree that what has been achieved is a substantial increase, so therefore the fight has been very worth while. However, it is still less than what we have asked for. The State Government has not yet accepted the offer. It is still being considered by the Government. In discussions with the Federal Minister in Canberra today, I understand that some other States have accepted. When the Prime Minister has made a detailed statement on this matter, certainly I will be in a position to make more detailed comment in terms of the nature of the offer and the impact on our hospitals.

### GENETICALLY MODIFIED FOODS

**Mr LEWIS (Hammond):** My question is directed to the Minister for Human Services. Does food from genetically artificially manipulated plants or animals pose a risk to consumers and, to allay any public fears that it may be so, have any suggested changes been made to regulations and/or labelling laws which may have arisen out of discussions which the Minister had with other Ministers at the Australian New Zealand Food Standards Council in Sydney last week?

My question goes to the artificial practice of slicing and splicing chromosomes rather than the practice of genetic selection through natural breeding. I refer to the practice, which is becoming increasingly accepted by science, of slicing and splicing to fit in new genes for the particular characteristics desired in any species.

**The Hon. DEAN BROWN:** The genetic modification of food is an issue of considerable concern to consumers around the whole of Australia. An attempt had been made by the food authority to put up a proposal for an outer council approval, which meant that the States, simply by way of letter, would have agreed to a proposal that was put up. South Australia, together with the ACT, objected to that. I believe that an issue of great significance is involved in terms of the direction we take. Particularly as an export nation in the food area, we would want to ensure that the standards we set for this country are compatible with some of the highest standards to be adopted around the world.

The matter was discussed at the food council meeting of Ministers on Thursday in Sydney. I, together with the Minister from the ACT, put down a very strong position. I argued that we needed, first, to ensure that adequate testing was carried out on any modified food because of the genetic modification of the products that went into the food. It has now been agreed that all genetically modified foods will be tested in Australia. That testing will be carried out, first, by the Genetic Manipulation Advisory Committee in Australia and the Environmental Risk Management Authority in New Zealand; and, secondly, by the Australian New Zealand Food Authority.

Two lots of testing will be undertaken for any genetically modified food within Australia. With respect to labelling, the council decided immediately to require, for the benefit of consumers, labelling of any food that has been substantially altered. This applies to food that might be substantially altered in terms of taste, nutrition or use compared to the normal product. That alteration, of course, is brought about because of the genetic modification that has taken place. All those foods must now be labelled accordingly. For the foods that are not substantially altered, such as soya bean, which has been particularly adapted to cope with higher levels of weedicide, etc., the food council reserved its judgment, awaiting the European community to determine its standard.

At present there are basically two schools of thought: the American school of thought which tends to adopt a lower standard than that adapted by Europe, which is the other school of thought. The American standard is that you can have genetically modified soya beans mixed in with other soya beans. It may make up a very small portion of the food, but it could then be mixed in with other ingredients and that food could go on to supermarket shelves without being labelled. The European standard, alternatively, is that if there has been any genetic modification, regardless of whether or not the food is substantially changed, then it must be labelled. However, the European community has not yet released its standard.

I asked the council to defer any further consideration on that one aspect until the Europeans had determined a standard so that we can consider our position in light of the European standard. I believe that that is important if we are to maintain high food standards in South Australia, or Australia, and be in a position to export our foods particularly to Europe, which should be a major market for Australian foods. I believe that the food council's decision is very responsible. We acknowledge that it needs further consideration, particularly for those

foods that are not substantially altered. That consideration will be given when the council meets at the end of the year.

#### GLENSIDE HOSPITAL

**Ms STEVENS (Elizabeth):** Given today's media report of an alleged rape at Glenside Hospital, is the Minister for Human Services satisfied that the hospital is equipped to cater for Correctional Services mental health patients who would normally be admitted to James Nash House, and can he guarantee the safety of all patients, staff and visitors at Glenside Hospital in the current circumstances?

**The Hon. DEAN BROWN:** Having seen the report this morning, I naturally asked for an urgent report from the Department of Human Services. I point out that, as the matter involves a rape, it is also a police matter and, at this stage, I am not able to comment further, particularly as the police are also involved.

#### AERIAL PHOTOGRAPHY

**Mr CONDOUS (Colton):** My question is directed to the Minister for Environment and Heritage. What benefits has the Government's new initiatives in aerial photography brought to business and local government users of this technology?

**The Hon. D.C. KOTZ:** Since November 1997, the Resource Information Division of the Department for Environment, Heritage and Aboriginal Affairs has instituted a program to aerial photograph the metropolitan area in a two-year cycle. That will include the Fleurieu and Barossa areas in alternate years.

**Mr Venning:** Hear, hear!

**The Hon. D.C. KOTZ:** This will, of course, not only enthuse the honourable member but also update and add to the large collection of aerial photographs of our State that already exist. The Government has recognised the need to ensure that not only is this information available but that it is available in a form that can be easily used by the community and businesses. To help people access this information, a CD-ROM image based photography index, which is now called PanAIRama, has been created for this latest coverage. As a result of what has been a very enthusiastic acceptance by clients of this product, future coverage of urban and rural regions will be accessed in the same fashion.

This improved ordering system has contributed to quite a considerable upsurge in sales of aerial photographic products and users of the technology, including real estate agents, land brokers, wineries, surveyors, cartographers, irrigators, developers, the Bureau of Meteorology, the Country Fire Service, the Police Department, universities, schools and colleges, to name but a few. The presentation of photographic images on PanAIRama has prompted an unprecedented client interest in acquiring digital aerial photographs. The Government is in the process of establishing this new service which will convert existing photographic images to digital format.

This is definitely leading-edge technology which is being used to modernise development planning across the State. It also allows users of the technology a greater flexibility in using digitally represented aerial photographs. This provides benefits to a range of people across the State, including farmers, pastoralists and other land managers. Aerial photography offers benefits for accessing land-based features, such as fence-line erosion, variability in pasture rates, soil conditions and water course pathways under many different

environmental conditions. The department is able to provide value added products in addition to the PanAIRama CD-ROM, which is suited to the desired use of the client.

*An honourable member interjecting:*

**The Hon. D.C. KOTZ:** The honourable member interjects, 'What about the police?' A particular case was brought to the attention of my department some months ago, and it was through the assistance of aerial photography that that case was eventually solved. That in itself was a very interesting and important reason to support this leading edge technology in South Australia.

South Australia's reputation for being at the cutting edge of new technology and the provision of state-of-the-art technological products and services is being further enhanced by this Government's initiative in aerial photographic products and, with Government support, the community is enjoying the benefits of the technological revolution. I would like to take this opportunity to commend the director and officers of the resource information group for their commitment to excellence and for their service to South Australia.

#### LOTTERIES COMMISSION

**Mr ATKINSON (Spence):** Will the Minister for Government Enterprises rule out the possibility of the South Australian Lotteries Commission changing its agency arrangements so that Coles and Woolworths sell instant scratchies, Lotto or other commission products in competition with delis and newsagents?

**The Hon. M.H. ARMITAGE:** This matter has not been raised with me before. During Estimates I gave a very full briefing as to where the agencies were for lotteries. It seemed to me at the time that there was a very full spread of opportunity to purchase lottery tickets. Clearly, that is what the community wants, because it does a lot of it. I will look into this matter, which has not been raised with me before.

#### WOOL INDUSTRY

**Mr VENNING (Schubert):** My question is directed to the Minister for Primary Industries, Natural Resources and Regional Development. What is the Industry Development Board for Wool doing to improve the long-term profitability of the wool industry? I know that the Minister has released the food and fabric plan, and I ask the Minister to outline some of the key objectives.

**The Hon. R.G. KERIN:** I thank the member for Schubert for his question—he is obviously interested in the wool industry. As many would be aware—particularly on this side of the House—wool prices, worryingly, have again dropped below the 600¢ per kilogram mark, which has started off renewed arguments about what should be done with the stockpile, and industry across Australia is divided on whether stockpile sales should be suspended—certainly, the South Australian and Western Australian industries support that stance.

There is no doubt that the wool industry in Australia needs a long-term strategy to compete with other fibres such as cotton. The future fibre and fabric plan presents a strategy for industry to take it well into the next century. Currently, the fibre industry contributes about \$500 million to the South Australian economy, but by the year 2010 we hope to turn it into a billion dollar industry. We have already started a number of projects through the Industry Development Board for Wool, which has commenced an initiative to foster the

development of alliances between wool producers and early stage wool processors. This is designed ultimately to improve the efficiency of wool marketing, the quality of the wool processed and, importantly, the profitability of the industry. It will increase the confidence of the processors in what they are buying, and it is expected that that will result in increased prices.

Pilot producer groups have been formed in the South-East, on Kangaroo Island and in the pastoral regions. Expressions of interest received after the initial meetings have indicated interest from 80 wool producers, who have production totalling more than 16 000 bales. Large quantities of wool are required for efficient batching of wool by processors. This project aims to give the wool producers involved a reward for producing the quality and style of product that the market is demanding, and closing that all important loop between the producer and the processor.

#### ENVIRONMENT PROTECTION AUTHORITY

**Ms BEDFORD (Florey):** My question is directed to the Minister for Environment and Heritage. What power does the EPA have to enforce the collection of waste oils—specifically in rural areas—and when will the responsibilities of the code of practice for waste oil come under the power of the Act? The guidelines for responsibilities under the code of practice for waste oil were prepared by Government, industry and retail bodies. Cutbacks to EPA staff have given extra responsibilities to metropolitan, regional and district councils in relation to overseeing waste oil disposal. This means that councils have been forced to take up extra duties, traditionally the responsibility of the EPA, which sees existing staff attempting to enforce the collection of waste oil in an attempt to ensure the prevention of environmental degradation.

**The Hon. D.C. KOTZ:** The situation concerning waste oil in South Australia is, in fact, a very good story. The waste oil collection that has been brought into force by the codes of practice and by environmental protection agencies over some years now has meant that, in this State, we collect and recycle some 11 000 million litres of oil in any given year. In fact, South Australia is recognised throughout the rest of the nation as having put in place sufficient recycling methods that other States in Australia do not use. So, South Australia has done exceedingly well.

It is the responsibility of all people to consider what is done with waste oil. It is also the responsibility of local councils (which has always been the case) to assist in the nature of environmental responsibility, and I am sure that they have done it very well in the past and will continue to do it very well in the future. It would appear that the member is suggesting that there seems to be a cut back in the picking up and collecting of waste oils. I assure the member that, at this stage, I have not received any comment from any local government area to advise me that this might be the case.

I also suggest to the honourable member that it is very easy for the Labor Opposition to talk about cut backs in resources, but I assure the honourable member that this has nothing to do with the fact that the collection of oils is continuing, and I am quite sure that it will continue. The resources that have been put into the Environment Protection Agency and many different areas of programs that have been engendered through the Environment Protection Agency far exceeds that of any previous Labor Government.

#### REGIONAL RECREATION AND SPORTS FACILITY GRANTS

**The Hon. G.M. GUNN (Stuart):** My question is directed to the Minister for Recreation and Sport.

*An honourable member interjecting:*

**The Hon. G.M. GUNN:** At least it is original, unlike most of the things that you bring up. Will the Minister advise the House of the outcome of the latest round of funding allocated under the regional recreation and sports facility grants?

**The Hon. I.F. EVANS:** Members would be aware that every year the Government gives out about \$1 million towards regional recreation and sports grants, and this year we are pleased to announce that \$1.14 million will be allocated to various regional areas in relation to recreation and sports grants. This includes areas for new skateboarding facilities, yachting, tennis and netball facilities and kindergarten facilities. This year, there are nine groups that will receive funding. The projects that we are funding total about \$3.5 million, so there is a good flow-on factor into the regional communities.

The honourable member will be pleased to know that the Port Augusta Yacht Club will receive \$130 000 towards a \$345 000 upgrade of the club, which includes extending the existing clubrooms; the Corporation of the City of Adelaide will receive \$130 000 towards the construction of a skateboard facility; the Nuriootpa Centennial Park will receive \$140 000 towards extending its clubrooms (the total project will cost about \$350 000); the Port Pirie City and District Council will receive \$140 000 towards a project worth around \$710 000 (although there are some negotiations about the final value of that project) towards the construction of a regional multi sports hall; and the City of Salisbury will receive \$100 000 towards a \$200 000 project for the upgrade of an adventure park. The member for Newland will be interested to know that the Tea Tree Gully Tennis Club will receive \$120 000 towards a \$361 000 project. The member for Gordon will be interested in the fact that the Blue Lakes Gymnastic Club is receiving \$140 000 towards a \$360 000 project. Also, \$120 000 is allocated towards the Seacliff Community Recreation Association youth centre extensions, and the Kersbrook Soldiers Memorial Park is receiving \$120 000 towards a \$623 000 project.

Members would be aware that the Government has announced a review into recreational sports funding as a result of the transfer of Living Health moneys into the Office of Recreation and Sport. Subject to that review, it is expected that the next round of applications should be available around October-November this year, and I encourage members to continue to get organisations to apply. It is obviously a way of improving recreation and sport facilities right across the State. We have sent out letters to the applicants advising them of the good news and, under the conditions of the grants, the projects have to start within three months.

#### PORT STANVAC

**Ms THOMPSON (Reynell):** My question is directed to the Minister for Government Enterprises. What role will Government agencies have in inquiring into the cause of the fire at the Mobil refinery at Port Stanvac last Sunday evening, and what expertise and powers are available to him to allow the community who live and work in and around Port Stanvac to be confident that the Government is taking all possible



steps to ensure their safety? Mobil has announced its own inquiry into the fire but, in view of the considerable risks that can be afforded by the operation of refineries, members of the community who do not have right of access to Mobil's report seek assurance that the Government also is involved in ensuring the safe handling of dangerous substances.

*Members interjecting:*

**The SPEAKER:** Order, the member for Stuart!

**The Hon. M.H. ARMITAGE:** Port Stanvac is obviously a very important component of the South Australian economy. It is equally important for all the residents of South Australia that it operate safely.

*Members interjecting:*

**The SPEAKER:** Order! The Minister has the call.

**The Hon. M.H. ARMITAGE:** I will undertake to bring back a report into all the relevant findings in relation to safety, which I am sure will alleviate the concerns of the residents, recognising that their homes are in the vicinity of a very important element of our South Australian economy.

#### LOCAL GOVERNMENT INFORMATION RESEARCH PROJECT

**Mr HAMILTON-SMITH (Waite):** My question is directed to the Minister for Local Government. I understand that South Australia is involved in a national local government information research project. Can the Minister provide more details and explain how the project will benefit South Australia?

**The Hon. M.K. BRINDAL:** All members of the House would be interested in this answer because they would all realise this Government's commitment to technology and to getting a rightful place for South Australia in a new technological world. South Australia is providing project management support for a national steering committee overseeing the development of a database on an Internet site containing information on local government research. That is most important, because all members would be aware of a problem within Government, between Governments, and within local government that so many departments and local government agencies reinvent the wheel by commissioning the same research, asking the same questions and being unaware that that information is being replicated numbers of times around this country.

By provision of a database on which the research of local government can be found, there is an elegant and simple mechanism whereby local government, the State Government and all interested agencies can go into the Internet and either find information readily available and thus save ratepayers considerable amounts of money in not duplicating research or else find what research is available and build on it. It is a very important project, one at which the State Government will look carefully—

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** —because it provides a basis for the better utilisation of information by Governments right across this country.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** The site is to contain information on published and in-progress research projects, individuals and organisations undertaking research, and the funding sources available. The objective is to make available up-to-date information on local government research to local government associations, local government bodies, Commonwealth and State departments—

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** —local government researchers and consultants and members of the public should they desire this information. The information will be useful—

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** I trust that the member for Spence will be equally accommodating when it comes to Bills later today as he is in these comments now. The information will be useful in ensuring that policies and projects developed for the reform and the development of the local government sector will be based on the latest research findings. In addition, it will minimise overlap in the undertaking of future research by agencies around Australia. Funding for the project is coming from the Local Government Ministers Conference Activities Fund, Deakin University and the State Library of South Australia—

*Mr Foley interjecting:*

**The Hon. M.K. BRINDAL:** The Local Government Ministers Conference Activities Fund. I am surprised that the member for Hart does not know of the existence of that very famous fund.

*Mr Foley interjecting:*

**The Hon. M.K. BRINDAL:** South Australia is very good at using what moneys are available, as the member for Hart should know. Deakin University and the State Library of South Australia have been commissioned, following an open tender process, to develop the database and Internet site and advise of possible options for ongoing management. A trial site has been established and is currently being examined by the national steering committee prior to further development by consultants. By the end of the year, the site should be fully developed and a report finalised on future management options for the site.

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#### GRIEVANCE DEBATE

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

**Ms KEY (Hanson):** I raise an issue that would be of interest to the Chamber, and I refer to the South Australian Junior Chess Association. I notice that in the *Advertiser* of Saturday 1 August, Mrs Evelyn Koshnitsky, who I believe resides in the electorate of Unley, was mentioned as one of the Australian-born heroes of South Australia. I had the pleasure of meeting Mrs Evelyn Koshnitsky, as did the Minister for Youth and Employment, at the national junior youth chess championships held in Adelaide in January. Mrs Koshnitsky was instrumental in arranging these championships and has been recognised throughout Australia as a true advocate for young people as well as women and girls playing chess.

Mrs Koshnitsky was a State champion and has been involved with the chess movement for a number of years. She edits the organisation's national bulletin, coaches junior players, raises funds, does thousands and thousands of hours of volunteer work, organises teams, particularly for women and girls, and organises and supports teams that are involved in world championship and Olympic chess.

My concern is that, despite the fact that obviously the *Advertiser* and a number of people in the community have

understood the importance of Mrs Koshnitsky's contribution to South Australia, she is 83 years old. Both she and her husband, Garry Koshnitsky, who many people would know has been Australian champion and has represented Australia in many national, international and Olympic events, have been instrumental in making sure that chess is a positive activity for young people in South Australia.

At the moment, both Garry and Evelyn Koshnitsky are involved in assisting more than 1 000 primary school children and also 500 secondary school students in participating in, learning and being coached in chess. So, it was interesting to hear the Minister for Recreation and Sport talk about the recreation and sport grants that were given out in the last round of grants and to note that, yet again, both the junior chess league and the chess association have missed out on any funding.

The South Australian Junior Chess Association has tried for a long time to get some funding for its activities. It has tried a number of Government departments and the answer has always been 'No.' Most recently Evelyn Koshnitsky approached the State education authorities for funding. Being 83 years old, as I said, she wanted someone to work with her as an assistant to learn how the chess championships are organised and also to take part in ensuring that adequate coaching was provided.

As I said previously, all the hours that she and her husband, Garry Koshnitsky, have put into the association have been voluntary and, although a number of other parents have certainly supported the chess movement in South Australia, Evelyn stands out as an absolute pioneer and advocate of people wanting to play chess. Although I had the honour of presenting the trophies at the national junior chess championships this year, it fills me with great concern that no other recognition of the contribution made by chess players in South Australia has been given by this Government.

In closing, I underline the point that Mrs Koshnitsky makes in the article: she believes that chess helps people, young people in particular, to form skills that they can use in later life. It also helps with their secondary school studies. She believes not only that chess is a very social game but that it attracts children from all sorts of backgrounds and ethnic groups and develops a level of friendship that is reflected across the State and the nation. In many cases, many of the top players play internationally and therefore develop international contacts and friendships with other chess players. I ask the Government to think very seriously about the contribution of chess players in South Australia and not just cut them off because there is no money available.

**Mr BROKENSHIRE (Mawson):** Today I advise the House of and put on the public record two recent events that I attended in my electorate which not only reinforce the commitment of the South Australian community to volunteering and caring for the community but particularly reinforce what is happening in the southern region when it comes to the fine community spirit and the fact that thousands of hours each year and millions of dollars in equivalent free labour are given to the development of our southern community. First, on behalf of the Minister for the Ageing, the Hon. Robert Lawson in another place, I had the opportunity to make a speech and cut the cake for the twenty-first birthday celebrations of the Noarlunga Volunteer Transport Services, ably led, I must say, by the executive officer of the Noarlunga

Volunteer Transport Services, Jayne Delmore, and her fantastic volunteer staff which numbers in excess of 40.

Throughout the new City of Onkaparinga, which takes in the rural areas of my electorate as well, there has been an extreme need for people who are aged and frail or recovering from operations and so on to get specific specialist transport services to medical centres, doctors and so on. It is amazing that even as far back as 1984 they were driving thousands of kilometres a year and looking after thousands of local constituents, and I assure members that the growth and demand for this service is certainly on the increase. I am proud of the work being done in that regard and through the Willunga Community Transport Services in the Willunga Basin. As the local member, I look forward to further supporting both these organisations as they continue to expand and further improve transport opportunities for the people whom I have highlighted.

The other event to which I refer involved another fantastic group of southern residents who invited me to auction 160 wine lots on Sunday at the McLaren Vale Bocce Club. This was a joint project of a committee for the southern region of the Anti-Cancer Foundation and the McLaren Vale Bocce Club. I was also delighted to see the magnificent support given by the McLaren Vale winemakers—which goes on day in and day out—in making available 160 premium lots of splendid red and white wine. The bidding was spirited. Whilst this was the first of these events, it will not be the last: they are already planning for next year. I am pleased to say that, as a result of the auction, in excess of \$3 000 was raised for the Anti-Cancer Foundation.

I congratulate the committee of the Anti-Cancer Foundation, in particular Margaret, Narelle and Tony, for what was a fantastic job. They were well organised and they ensured media coverage. Everything was well set up in the bocce club and it was very easy to conduct the auction. It was also great to have the bidding coming through. I am sure, Mr Speaker, that, in your role and experience as a politician, you have auctioned for community groups, and it makes the job a lot easier if you have people who are prepared to bid.

I also congratulate John and Jo Petrucci and all the committee members of the bocce club. Not only does the McLaren Vale Bocce Club provide a great facility for those who enjoy bocce but it allows those of us who enjoy a family pasta night the opportunity of mixing with our community on a regular basis. Apart from a \$10 000 grant through the sport and recreation department, the Italian community and others in our electorate have built the bocce club from scratch. It is a real benefit to the community and is large enough for hundreds of people. I would have to say that the way in which they have developed the courts make them second to none in this State, and it is great to see national competitions now occurring. I am sure that, in time, as bocce grows not only in South Australia but nationally, we will have the opportunity for both national and international events.

In conclusion, these are just two examples of what goes on day in and day out in the southern region where we have people who, rather than sit at home and enjoy their own time with their families—which is important—are prepared to get behind those who may not have the advantages of others and support them to ensure that they also can enjoy what happens in the southern region.

**Ms BEDFORD (Florey):** Congratulations to the Adelaide Zoo on the occasion of its one hundred and twentieth birthday a week or so ago, on 23 July. At a meeting held on that day

back in 1878, the Royal Zoological Society of South Australia was created and at that time was known as the Acclimatisation Society of South Australia. This new beginning followed an initial attempt in 1864, which had lost momentum by 1865. The nucleus of the zoo had been commenced at the Botanic Gardens by Mr G.W. Francis, the first director of that establishment, in 1858, and for the first six or seven years a variety of mammals, reptiles and birds were displayed. These included a bear, a tiger, monkeys, an alligator, ostriches, penguins and, most unfortunately, sparrows.

The wide interest in the acclimatising of foreign birds and animals was followed by the realisation that the introduction of exotic species was most unwise and, indeed, dangerous. Consequently, the society's activities were changed, as was its title, and many years later, in 1938, the word 'acclimatisation' was eventually dropped: at the same time the use of the prefix 'royal' was granted. Following the death of Mr Francis in 1865, the original zoological collection apparently was allowed to phase itself out, for there is no mention in any of the Royal Zoological Society of South Australia records of any animals being transferred to it from the Botanic Gardens when the present zoo was opened in 1883.

The zoo was originally established on 6.5 hectares of Botanic Park, which, together with the Torrens River, forms its boundaries. The zoo is set in magnificent grounds, the result of more than 100 years of care and attention. It now occupies 8 hectares and is unique among Australian zoos as it has retained many of its original and significant architectural features. The labelling of the collection of animals as a 'zoo' is a comparatively recent term but the keeping of wild animals goes back to as early as the twelfth century BC.

The first collection of animals for public exhibit was in France, where Louis XIV combined a garden with a menagerie of exotic animals. History tells us that these animals survived the Revolution, as did the concept of animals on public display. Today, however, it is no longer considered acceptable to keep and display animals simply for public amusement, and zoos have evolved rapidly over the past two decades. Adelaide Zoo and Monarto Zoological Park continue their important role in captive breeding, education, research and public recreation. Adelaide Zoo has changed dramatically in the way in which it exhibits animals.

Soon, animals will no longer be displayed taxonomically, that is, all cats together and all primates together, etc. Instead, the animals will be displayed as mixed exhibits, following a geographic theme that will include plants of the region from which the animals originate. Adelaide Zoo maintains a computerised animal record keeping system called ARKS. ARKS is used by over 300 zoos around the world and helps Adelaide Zoo to keep in close contact with births, deaths and animal transfers occurring in all major zoos. Zoos around the world work very closely together. Such liaison is essential for the exchange of information and is most important for effective management of animal breeding. Stock are now sent between zoos on an open exchange basis. The days of zoos operating in isolation and even in competition with each other are considered long gone.

Animals are a precious resource, and zoos are rapidly becoming 'arks' or refuges for many species whose survival in the wild is under threat. This is usually the result of clearing of natural habitats. Other threats to the survival of species in the wild are hunting or poaching, the effects of introduced predators such as foxes and feral cats (which are major killers of many Australian birds, reptiles and small

mammals) and, to a lesser extent now, competitors such as rabbits. A zoo is a complex organisation. What visitors see is the result of incredible behind the scenes work. A team of 75 staff care for our zoo, 34 of whom are keepers and animal care staff; 15 are involved in day-to-day maintenance of the grounds; and others are office and administration personnel, gate keepers, zoo shop and catering staff.

The education centre is currently staffed by two teachers seconded from the South Australian Department of Education, and a receptionist. The centre provides advice and instruction to visiting teachers and their classes, and caters annually for about 40 000 children. It is a vital part of the zoo's operation, as the conservation of the animal kingdom depends on the next generation as well as the present one. All zoo staff play an important part in the effective management of the zoo, and I am sure we thank them all for their dedication and commitment.

**Mr VENNING (Schubert):** I rise with yet another good news story from the Barossa Valley. I pay tribute to the success of the Barossa Bluebird Tourist Train and all those associated with it. This success did not just happen: it has been talked about for many years since the last services, run by Mr Ron Bannon, closed years ago. The late Mr John McAvaney, who operated a successful service prior to that, hoped to see this service reborn but, unfortunately, he passed away a couple of years ago. I wish to recognise the efforts of Mr Barry Martin and his fellow directors of Barossa Bluebird Rail Services Pty Limited: they have done a wonderful job of restoring the Bluebird rail cars that I believe to be the ideal rolling stock for this service.

The Islington workshops gain an additional spinoff, as these have been taken over to refurbish the cars. They are attracting other outside business and are a success in themselves, and I urge members to call in and see the activity taking place in the workshops. I thank all those people concerned for the confidence in the Barossa and the regions that is shown in the success of this service, and for the substantial investment up front. Since the service commenced on Sunday 24 May this year there has been a tremendous demand for this innovative tourist attraction. It has been fully booked every weekend since the starting date, being booked out for at least two weeks in advance, and has been booked ahead for up to six weeks, I believe, in the future. That shows the popularity of this attraction, particularly when we are still in the winter months.

The feasibility study indicated that it could expect only 65 per cent during summer months, 40 per cent in winter and 80 per cent for the vintage, so the current 85 per cent is over double the expectation. Where are all the doubting Thomases now! Performance always allays rhetoric. I believe that, when the warmer weather comes, demand will be such that more trips will have to be made during the week, and that even a daily service should be on the cards. I also wish to acknowledge the efforts of BREDA, the Barossa Regional Economic Development Authority. Brian Sincock, its CEO, and his staff have worked tirelessly for more than three years with enthusiasm and commitment to see this project to fruition. Mr Sincock's negotiation skills and enthusiasm had a lot to do with it.

Tourism SA has been very supportive, but I must say that one of its bureaucrats caused some concern by always looking for the negative. I hope that he now can see that his negativity was not justified. Transport SA has been very supportive, and commendations to the Barossa Council are

also in order for its support of the project and for its future intention to assist with the improvement of the infrastructure. Commendations also go to the Barossa Wine and Tourism Association: Barry Salter and his association have been very supportive. Only a week ago a grant of \$60 000 was made available by then Minister Ingerson to assist with the rebuilding of the line between Nuriootpa and Angaston, giving a total Barossa experience to travellers. I pay tribute to the previous Minister for that, and I hope that that funding will be ongoing.

These funds will not only upgrade the line itself but, with the additional funds from BRED A of \$57 000 and a further \$60 000 to be raised by the Barossa Tourism Train Support Project (an initiative of BRED A and Mr Sincock), we will see upgraded platform facilities that are decent and safe. Modern infrastructure, such as the replacement of the step down pads where passengers are currently subjected to the prevailing weather conditions, and proper disabled access, toilet facilities, etc., are to be included in this upgrade. Tanunda platform will be rebuilt to 55 metres in length to align with the track, to include signs and appropriate facilities. The Angaston platform will also be repaired, while the Nuriootpa platform is basically sound, although renovations will also be undertaken to improve this site.

In closing I must make special mention of the fantastic support of Minister Laidlaw and her staff. The Minister was a strong believer in the project and saw it through to the end. I also thank my colleague the member for Light for his support. The Barossa Tourist Train is now a reality and a real success: it is going full steam ahead. I also note that Bluebird has recently entered into a strategic alliance with Proud Australia and Coachlines of Australia to take over the marketing operation of the business. The Barossa Bluebird Tourist Train success is a prime example of reward for enterprise. May its success continue and I recommend that all members make time to enjoy this great experience.

**Mr ATKINSON (Spence):** At the State election in October 1997, a Mr Ralph Hahnheuser stood as a candidate for the Legislative Council under the label 'Independent against cruelty—Ban duck shooting'. Mr Hahnheuser is the South Australian spokesman for Animal Liberation. He proposes to criminalise fishing because it is cruel. He also proposes to criminalise the hunting of ducks. I have attracted Mr Hahnheuser's anger because I am a well-known supporter of recreational hunting of species of duck that are plentiful and the hunting of rabbits and goats. I do not own a gun and have never owned a gun, but I have taught my children to fish with hook, line, rod and reel from jetties and wharves.

I now know that it was Mr Hahnheuser who arranged to have sent to my Port Road office photocopies of petitions he wanted presented to Parliament calling for the criminalisation of duck hunting. These papers were brought to my office by a man when I was out and my secretary was present. Mr Hahnheuser claimed that the petitions were originals and had 2 350 signatures. I recall that those papers at which I looked were photocopies, and that all the papers together would have borne more than 6 000 signatures. Photocopies may not be presented to the House. I was most suspicious of Animal Liberation's presenting me with an anti-hunting petition, after it had already denounced me as a monster for supporting country sports, such as hunting.

When I returned to my office and was shown these papers I was especially cautious about them, because I knew that petitions with the same wording had already been presented

to Parliament by the member for Unley, among others. The person who dropped the papers at my office did not leave an address or a telephone number, or any means of contacting him. Out of an abundance of caution, I put the papers in the spare room at my office for two months and waited for the person to contact me again, at which time I would explain that only originals could be presented. I am cheerful about presenting to Parliament petitions with whose contents I disagree. Most members of the House will present petitions with whose prayers they do not agree, on the understanding that in presenting a petition they do not necessarily endorse its aim.

We do this as part of our representative function. I know that the Deputy Premier presented a petition to criminalise sodomy, a proposition in which I understand he does not concur. Weeks after the papers were thrown out, Mr Hahnheuser contacted me demanding to know when I was going to present the papers to Parliament. I told him that photocopies could not be presented to Parliament. Mr Hahnheuser abused me, threatened that my preselection would be taken away and that a group of people would come to my next local meeting of the ALP to expose me as a disgrace. Mr Hahnheuser tried to have his denunciations of me broadcast by radio and television and he brought a camera crew to my office. He wrote to the Leader of the Opposition asking him to sack me. I made a statement to Parliament about this matter on 5 February 1997 and I stand by it. During that statement I gave Mr Hahnheuser's petition and its cause generally far more prominence in the Parliament's time and records than the papers he sent to me would have achieved had they been originals and had I tabled them as a petition. There was no Bill or motion before the Parliament on the question of duck hunting.

During the State election Mr Hahnheuser wired up one of his plastic posters outside my office. It is still there, but his face and message have worn away. At the poll Mr Hahnheuser received 61 votes of more than 20 000 cast in the State district of Spence and 3 323 of the million or so cast in the State. I raise this matter in the House again because new evidence has come to light about the methods used by Mr Hahnheuser and Animal Liberation. Earlier this year Mr Hahnheuser issued a news release that the Parliamentary Labor Party would support a Bill in another place to criminalise the hunting of all ducks. This was not true and Mr Hahnheuser admitted he knew it was not true at the time he issued it.

The ALP has a policy of permitting the recreational hunting of plentiful species of duck and quail, subject to strict conditions. The Parliamentary Labor Party did not support the Bill and voted accordingly. Mr Hahnheuser knew that was so when he issued the news release claiming our support for the Bill. Why did he do so? Mr Hahnheuser explains in a letter to our environment spokesman of 2 June, as follows:

Dear John,

Just a brief note to apologise for any inconvenience caused to you and your Party regarding the circulation of 'miss-information' recently fed to shooters infiltrating Animal Liberation (and then passed on to you). As the person solely responsible for concocting the (successful) scheme to expose the shooters' infiltration and communication network, it was certainly not my intention to cause you any embarrassment and unnecessary angst.

Unfortunately, it is the ruthless nature of the opposition we face that has forced us to take these extraordinary steps and I trust you will understand the necessity of our actions.

Yours sincerely, Ralph Hahnheuser.

**The Hon. G.M. GUNN (Stuart):** I am pleased that the member for Spence and I share at least one thing in common.

*Mr Atkinson interjecting:*

**The Hon. G.M. GUNN:** We will not go into that. I have another good news story for the House this afternoon. For about 20-odd years my constituents at Port Augusta have been attempting to freehold their shacks, and about 10 days ago all the people who own shacks at Blanche Harbor received the following letter:

Dear Shack Owner,

I advise the following information relating to the freeholding of Blanche Harbor shacks. I am pleased to advise survey examination of the division of the Blanche Harbor shack area has been completed and approved. In essence this means all shack sites now have defined boundaries and unique identifiers (new allotment numbers). The new allotment numbers are shown impressed on your survey pegs. Enclosed for your consideration is an application form to freehold your shack site. Upon completion please return this form to the address listed above. Following the process of your application a further letter will then be forwarded to you stating all the requirements (purchase money, surrender form, etc.) to enable the transaction to proceed. Please note a copy of your approved waste disposal system must be attached before your application will be processed.

This has been a long time coming. It is a course of action that has been permitted only because we have a Liberal Government in South Australia. For years those people—the hundreds of people who own shacks in that part of the State—have endeavoured to have the land freeholded but, because of the ideological problems the Labor Party has with people owning property, they were prevented from doing so.

I thank all the people concerned, the Ministers and the local departmental officers, who have been involved in processing these applications. It has been a long and difficult process. However, the ultimate objective has been achieved and those people who have been successful appreciate it. We will see a great change in the amenity of the area, with improved shacks, and so on, because people will have security of title.

Another matter I raise briefly this afternoon is the spate of violence perpetrated against elderly people, a matter about which most of us are indeed perturbed. A photograph appeared yesterday in the *Advertiser* of a person who was the victim of an unprovoked assault. A considerable number of these actions have taken place in Western Australia. Yesterday a constituent in a most disturbed state came into my office. This person informed me that a group of villains had piled flammable material against his front door and set it on fire, causing over \$1 000 damage to his door and verandah. The only reason this person could give for this happening was that he had had a certain altercation with people who had no regard for his privacy and the welfare of his family. My constituents are sick and tired of these people who have no regard for other people's rights, privileges, property or person.

Yesterday a member of the Western Australian Parliament called for dramatic action to be taken with these people, including the introduction of the birch. Most of these people are bullies and villains, and I believe that the time has now come when they should be given a bit of their own back and that the birch should be applied to them in a manner determined by the courts. The views of bleeding hearts and other social workers have been taken into consideration for far too long. These people void their right to be treated in a normal fashion, because they have no regard for elderly people and others. When they stab people with knives and otherwise injure them, the time has come to make an example of them.

This is not the first time I have raised this matter and it will probably not be the last. I am sick and tired of having my constituents come to me feeling helpless because the law has not taken adequate steps to protect them against these unnecessary attacks on their property or person. We have people petrified or living in stockades with all sorts of security apparatus. How much longer will this Parliament idly sit by?

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

### APPROPRIATION BILL

Returned from the Legislative Council without amendment.

### CITY OF ADELAIDE BILL

In Committee.

(Continued from 23 July. Page 1586.)

Clause 3.

**Mr ATKINSON:** As I was saying when debate on this measure was interrupted, I moved my amendments because I want to establish that the City of Adelaide—that is, the square mile, the parklands and North Adelaide—is there for all South Australians, and that should be stated emphatically in the Bill. I was withstanding some trenchant opposition from the member for Adelaide to that proposition. Our debate centred on the question of access to the City of Adelaide, which is contained in the final paragraph of the amendment that I moved. I understood that the Government was going to support my amendments, notwithstanding the tirade of the member for Adelaide.

In the course of that tirade regarding what he sees as the necessity for the closure of Barton Road, North Adelaide, the member for Adelaide claimed that all the difficulties experienced by my constituents in respect of access to western North Adelaide could be solved by reopening Gilbert Street at Ovingham.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** If members refer to *Hansard*, they will see that the member for Adelaide said that access to North Adelaide could easily be obtained by reopening Gilbert Street, Ovingham, and that my constituents could merely turn right once that road was reopened and head up Torrens Road into Jeffcott Street. It is a funny thing, but a minute ago the member for Adelaide was interjecting 'That's not right,' but now he is nodding his head that that is right. I refer members to the *Hansard* record of this debate.

The member implied that somehow Gilbert Street, Ovingham, was the continuation of Churchill Road southward over Torrens Road, but if members go to that locality they will see that Churchill Road ends in a T-junction by Torrens Road and, at the end of that T-junction, is the Bowden on the Hill Hotel, formerly the Overpass Tavern. (They were optimistic that the overpass would be built after all the years of its being promised.) Gilbert Street, Ovingham, was never the continuation southward of Churchill Road, and there is a reason for that, apart from its not being on an alignment with Churchill Road. The principal reason is that Gilbert Street, Ovingham, was until 1986 a dead end because it ended not in a junction with Hawker Street but it ended at the Hawker Street bridge. It was a dead end.

There was never a time, as the member for Adelaide claimed, when traffic headed south down Churchill Road, crossed Torrens Road and went down Gilbert Street on its way to some undefined destination, because Gilbert Street ended in a dead end. The Hawker Street bridge was there and it was not demolished until about 1985 or 1986. So the idea that somehow the residents of Ovingham and Bowden kept the public of South Australia out of Ovingham by closing off Gilbert Street at Ovingham is a nonsense. The reason that Gilbert Street is closed is that it is positively dangerous to try to shoot out of Gilbert Street and get on to the city-bound side of Torrens Road. I suggest that the member for Adelaide try it on a bicycle. It is highly dangerous given the alignment of the roads at that point.

The other thing is that, if one wants to get to North Adelaide by that means, one only has to detour one block. One turns left at the Bowden on the Hill Hotel car park near the end of Gilbert Street, goes for one block about 60 metres, turns right into Guthrie Street and continues to take the route that the member for Adelaide suggests. If you want to avoid the closure which the member for Adelaide had installed at Barton Road, North Adelaide, and you live in Hindmarsh, West Hindmarsh, Welland, Croydon, Bowden or Brompton, to get around that closure you do not have to travel only one block; you have to get on to Port Road, cross the bridge over the Torrens by the brewery, travel south along Bonython Park, get down to the Squatters Arms Hotel, turn left around Bonython Park and head towards the central business district, get over the railway bridge at the police barracks, head towards the Newmarket Hotel up the hill—I am sure that members are with me here—turn right at the lights past Heaven and then McDonald's, turn left into Hindley Street, travel along Hindley Street until you get to the intersection with Morphett Street, turn left, go over the Morphett Street Bridge, wave to us in Parliament House as you go, cross the Torrens River, go through the lights at War Memorial Drive and then head up Montefiore Hill. Once you have done all that you will be in a position to take one of the east-west streets into the part of North Adelaide that you could see before you started your journey.

**Mr Conlon:** I don't go that far on my holidays.

**Mr ATKINSON:** No. I reckon that you would need a waterbag and a cut lunch to do that trip. Many people in North Adelaide support the reopening of Barton Road. Some of them rang me last night and some of them rang me this morning. Fortunately I have their names and addresses. Literally dozens of residents, just in the Hill Street area, support reopening the road. The trouble is that they are not members of the North Adelaide Society. However, one of them is very prominent, and he supported the re-opening of Barton Road on radio last week and outlined the trip that I have just related to the Committee, the trip that he has to take in reverse to get down to the western suburbs, and his name is Robert Neville Francis, and he is one of the member for Adelaide's constituents.

**The Hon. M.H. ARMITAGE:** It is important to make just a couple of factual points because the member for Spence has said some things that are inaccurate. The most glaring of those inaccuracies is that he has reiterated his claim that I, as the member for Adelaide, installed the Barton Terrace closure. That is completely inaccurate, and I challenge the member for Spence to do one of two things: either provide proof of that statement, which he has made before and which I have not publicly challenged, but I do so now, or not repeat it, because factually it is incorrect.

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Spence is a pedant, so I intend to take him up on that interjection. The member for Spence said quite clearly about the Barton Terrace closure that I, as the member for Adelaide, had had it installed. That is absolutely factually incorrect, and I repeat: I challenge the member for Spence to do one of two things—provide evidence or be quiet about it. It is legitimate and logical. You are a lawyer, you reckon you have got a great intellect—do one of those two things as the member for Spence.

The second thing is that the honourable member talked about trenchant opposition and tirades when we last debated this matter. That is an extraordinarily outrageous claim, given what the member for Spence has just done. He has chosen the worst possible route by which to go from A to B. In fact, what he said—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** No, if the honourable member does not accept the argument that Gilbert Street could be reopened, which of course it could be, and all the residents in Brompton and Bowden who could get to Gilbert Street easily would be able to get out—

**Mr Atkinson:** You have never been there.

**The Hon. M.H. ARMITAGE:** Michael, I have been there. I have been there often. I know the map backwards because I have been following this debate as a result of the member for Spence's passion and concern about this matter. I have driven down Gilbert Street to see it. If that were opened, the route that I suggested last week would be the best way of doing it. However, even if that were not the case, simply the best way to do it would be to come out of Hawker Street, turn left up Park Terrace and turn right into Jeffcott Street. I contend that that route would be about one-tenth, or perhaps even one-twentieth, the distance of the journey described by the member for Spence. Clearly, the reason why he chose this ridiculously long route was to make a point. I deny trenchant opposition and tirades: I was pointing out some facts.

**The CHAIRMAN:** As the Minister does not wish to address this amendment, I seek clarification for the benefit of the Committee. Can I put the three amendments together?

**The Hon. M.H. ARMITAGE:** In relation to the third amendment, which is an insertion at page 1 after line 24—

**The CHAIRMAN:** Order! If the honourable member wishes to speak to a particular amendment I will put the first two amendments.

**Mr Atkinson:** He has already spoken to them three times.

**The CHAIRMAN:** He has not.

**Mr ATKINSON:** Sir, I rise on a point of order. At the beginning of this process, when we last debated the City of Adelaide Bill, you asked whether the three amendments should be considered as one and we proceeded on that basis. I refer you to the *Hansard*, Sir.

**The CHAIRMAN:** There is a difference between moving the amendments together and voting on them. I understood that that would be the case, and the member for Spence was invited to move them together. That does not mean that the Committee must deal with the three of them together. They can be dealt with individually if it is the wish of the Committee that that should happen. The member for Adelaide has indicated that he has a concern about the third amendment. I am not sure whether the member for Adelaide is asking that the amendment be put separately or whether he just wishes to make a statement. I have not had the opportunity to check

*Hansard* to determine how many times the honourable member has spoken. I suspect that this could be a rather long and tedious debate, and so the Chair is happy, on this occasion, to accept that the member for Adelaide may wish to make one last point.

**The Hon. M.H. ARMITAGE:** In an effort to ensure that this gets through quickly, I will agree that the three amendments be put together. My sole contribution in relation to the third amendment, which ensures access to the City of Adelaide for all South Australians, is that to suggest that all South Australians do not have access adequately to the City of Adelaide now is clearly fanciful. One has only to look at all the events that are held there on a daily basis.

Amendments carried.

**The Hon. M.D. RANN:** I refer in general terms to this clause and certainly seek guidance from the Minister. I believe that this is an important piece of legislation. Nations, States and communities are usually judged by the character of their capital cities. The capital city is the gateway, showcase and the cultural heart of a community, and it is certainly where one feels the pulse of a community and a State. I am sure that all members of this Committee, regardless of Party, believe that we have a magnificent and historic city, but we are also concerned that it is on the edge of decline.

The city's pulse at the moment is not strong and, as MPs, I do not think that any of us would want to be responsible for trying to smooth the dying pillow while more resources are piled into fairly soulless shopping centres in the suburbs. Two years ago the former Premier announced with great fanfare, and with great support from some members of the business community, as well as the *Advertiser*, major reform—

**The Hon. M.H. Armitage:** And you.

**The Hon. M.D. RANN:**—he often had my support—of the City of Adelaide. Of course, he wanted to look tough. He wanted to be seen to be doing a Kennett. He staked and lost his career as a Premier over it. Although, of course, he may make a come back. He blamed the council, which was then divided and very parochial, for the entire State's lack of development and economic and employment growth. He wanted to sack the council and replace it with an all powerful non-elected commission.

*The Hon. M.H. Armitage interjecting:*

**The Hon. M.D. RANN:** This is very important, and I am getting on to—

**The Hon. M.H. Armitage:** This is a second reading contribution.

**The Hon. M.D. RANN:** No, it is not. We are talking about the objectives. I am just taking your lead.

*The Hon. M.H. Armitage interjecting:*

**The Hon. M.D. RANN:** I am trying to support you. I am trying to rescue you from your own—

*Members interjecting:*

**The CHAIRMAN:** Order! The Committee will come to order.

**The Hon. M.D. RANN:** I am addressing this issue in a fairly general way because I was involved intimately in those negotiations with the former Premier and, in fact, the former Minister for Local Government, who subsequently lost his seat to the member for Wright. In fact, it is quite clear to me that the former Minister for Local Government in his negotiations was trying to hang the former Premier out to dry. He was using those negotiations and then getting involved in all sorts of practices which were designed to embarrass rather than support his Premier.

It is quite clear to me that they did not know what they were doing. I remember going to the sixteenth floor of the State Administration building and meeting with the former Premier and civil servants and asking the former Premier what he wanted this commission to do. It was quite clear that no-one in the room knew what the commission was really about. Somehow it was going to get the State moving again. Somehow they had to find something else to blame—if it was neither the Labor Party nor the business community, then it was the City Council. I believe that today we are dealing with a better Bill but still one that is deeply flawed and compromised.

I certainly believe that the Capital City Committee is much better than the previously advocated commission. I am looking forward to being a member of that committee and enjoying those meetings. But we should not need legislation before this Parliament to get the Premier to sit down with the Lord Mayor. It is a fairly sorry state of affairs when we need to have an Act of Parliament to compel the Lord Mayor, the Premier, Ministers and a few public servants to sit down to talk to each other about the future of our city, because we are all stakeholders in it.

However, if there has been a problem with this Government's achieving those meetings and if there has been a problem with this Government's sitting down and talking with the Lord Mayor, perhaps this legislation will help, by way of some kind of coercion, to get them to sit down and talk and add teeth and a sense of urgency to ensure that coordination does take place. We are certainly disappointed that the Government buckled, for the most base and nakedly partisan reasons, and did not support the abolition of wards, and certainly that is why we intend to amend this legislation. It seems to me that wards have added to the parochialism and self-interest that have plagued this council for generations.

It does not matter which Party has been in power, it is quite clear that the ward system has acted against the interests of this city as a capital city of the whole State in which we are all stakeholders. I congratulate the member for Colton's stance on this. It took a great deal of courage. We are pleased to also play a part in ensuring that we abolish the wards—these kinds of tiny bastions of self-interest—because that is what it is all about. I believe in city wide elections, and I believe that the abolition of wards would lead to a more balanced council—and, quite frankly (and with no offence intended) not only a more balanced council but more balanced councillors. I also understand that the Government's own review recommended the abolition of wards and also compulsory voting, and I certainly have a very strong view that we need to have compulsory voting in terms of the Adelaide City Council. It is our flagship; it is our capital city; we are all stakeholders, and I believe that we, as the investors in the city in different ways—whether culturally or in the life of the city—should ensure that those who have the vote should exercise it.

I guess it gets back to issues such as shop trading hours. We have a Government that says that it wants the City of Adelaide to be the beating heart of the metropolitan area, the central cultural focus and the life of our State but, at the same time, it has been going through a Byzantine process of trying to advance Sunday trading in the suburbs, which it knows will end up killing the city in terms of its being the economic heartbeat of our State. So, I hope that the Sunday trading in the suburbs issue is dead. I understand that small business has—

**The CHAIRMAN:** Order! I remind the Leader that there is nothing about Sunday trading in this Bill and that we are in the Committee stage.

**Mr Atkinson:** On the objects point, Sir—

**The CHAIRMAN:** The Chair realises that we are dealing with objects.

**The Hon. M.D. RANN:** The other issue that is very interesting is this bizarre impediment to a successful and popular Lord Mayor being elected for a third term. Okay, Franklin Delano Roosevelt (arguably one of the best Presidents of the United States) was elected for a fourth term before he died, and eventually there was a constitutional amendment to prevent the President of the United States serving more than two terms. But we are not dealing with the President of the United States: we are dealing with the Lord Mayor of Adelaide. I believe that we have a good Lord Mayor at the moment. If that Lord Mayor has the support of the city and the community and is doing a good job, why on earth should she be prevented from serving a third, fourth or fifth term?

If any Lord Mayor, by the way, turns out to be a dud, the recourse is with the electorate to throw them out. It does not make any sense at all to me why there should be this artificial impediment that they can serve only two terms. If they are good at the job, let us keep them in for as long as the public and the people of the city want them in the job.

We certainly intend to pursue a number of these measures in both Houses of the Parliament. I believe that we have an opportunity to put aside politics—because one member in Cabinet might get duded, or whatever—and come through this Parliament with a really good Bill for the future of the city which we love and which we want to be a part of.

**The Hon. M.K. BRINDAL:** I thank the Leader of the Opposition for his contribution to the debate on the objects of the Bill. It is a pretty poor day in this Parliament when one cannot come here and learn anything, and afterwards I would like him to qualify for me what the Byzantine empire has to do with this process.

I am glad also that the Leader of the Opposition, while he could not get past the 'deeply flawed', at least admits that the Bill before the House is a better Bill. In so far as the shadow Minister, the Leader and all members opposite are prepared to cooperate in relation to this Bill to produce the best legislation for the governance of the City of Adelaide, the Government recognises and welcomes this new strategy from the Opposition. Every other jurisdiction has legislation concerning its capital city. I believe that, without exception in Australia, we are now one of the last States to have this sort of enabling legislation.

I point out to the Leader that we have moved past the GRAG report and whatever happened under a previous Government. We now have a Bill before the House and a new mechanism to consider, and past history is just that: it is past history. Any thought, therefore, of the Capital City Committee resembling an original notion of a commission—whatever that meant—is long gone, and, if the Leader of the Opposition wishes to know what that committee will do, it is clearly here, and it is clearly for discussion as part of the Bill.

We can cover the other issues raised by the Leader under later clauses. The only other thing worth commenting on at this stage is the period of the lord mayoralty, which is limited to two terms. I remind the House that the Bill comes here today not with total consensus but at least having been carefully considered by the Lord Mayor, the councillors, the administration of the City of Adelaide and the Local Govern-

ment Association. They have played a valuable part in this contribution. For the edification of members opposite, I point out that the clause asking that a Lord Mayor be limited to two terms comes from within the council of the City of Adelaide. It was not a Government proposition: it was a proposition put forward by the council and councillors as reasonable for the City of Adelaide. They are the ones who want two terms. I believe that they want two terms because they have seen instances where some people fall in love with the perks and the trappings of the office of Lord Mayor. As the Leader of the Opposition is in historical mode today, he would realise that Plato wrote in *The Republic* that absolute leadership for too long was, indeed, a disastrous consequence for any Government. Members of the City of Adelaide obviously have been reading Plato's *Republic*, because they seem to feel that having a Lord Mayor for two—

**The Hon. M.D. Rann:** Do you want to limit it to two terms for the State Government?

**The Hon. M.K. BRINDAL:** It would be interesting if we could also limit it for Leaders of the Opposition.

Clause as amended passed.

Clause 4.

**Mr McEWEN:** I have a series of amendments standing in my name, the intent being to delete any notion of wards and return to the notion of an election at large.

**The Hon. M.K. BRINDAL:** I suggest, with the concurrence of the member for Gordon, that, because it is a consequential amendment on the removal of wards and that the substantive matter of the removal of wards is dealt with under clause 20, the Committee postpone further consideration of this provision until after the debate on clause 20, and then it becomes a subsequential amendment.

**The CHAIRMAN:** The advice that the Chair has received is that, if it is to be postponed, it would be best held over until after the schedules are dealt with.

**Mr CONDOUS:** If it is left until after the schedules are dealt with, there will be only one schedule left if the member for Gordon's proposition is adopted, because schedules 1 and 3 will be deleted.

**The CHAIRMAN:** The Chair is aware of that. That is why the Chair is suggesting that the clause be postponed until after that matter is dealt with. The question is:

That debate on clause 4 be deferred until after the schedules have been dealt with.

Motion carried; clause deferred.

**Mr ATKINSON:** I would just like to say how much I will look forward to serving on the Capital City Committee as a Minister in a Rann Labor Government after the next general election.

**The CHAIRMAN:** Order!

Clauses 5 to 11 passed.

Clause 12.

**The Hon. M.K. BRINDAL:** I move:

Page 6, lines 1 and 2—Leave out 'consultation by the Minister with' and insert 'agreement between the Minister and'.

This amendment provides that the regulations relating to the proceedings of the committee cannot be made without the agreement of council. This comes up as a result of the consultation process undertaken with both the Local Government Association and the council. They were keen to see that matters relating to the committee were not really the purview of the Government alone, that somehow or other in this matter the Government would be a senior partner, and both areas of Government should be co-equal partners. In the spirit



of that being part of the Act, which was one of our objects from day one, the Government is more than happy to sponsor this amendment.

Amendment carried; clause as amended passed.

Clauses 13 to 19 passed.

**The CHAIRMAN:** There is an amendment to be moved by the member for Gordon.

**Mr McEWEN:** Again, you may wish to defer it, Mr Chairman, but I require that the heading on page 9, line 3, be deleted and replaced with 'Constitution of Council'.

**The CHAIRMAN:** The Chair would suggest to the Committee that this amendment be deferred.

Clause 20.

**Mr McEWEN:** I move:

Page 9, lines 5 to 8—Leave out subclause (1) and insert:

- (1) The Adelaide City Council will, from the relevant day, be constituted of—
- (a) the Lord Mayor; and
  - (b) eight other members.

**The Hon. M.K. BRINDAL:** The Government opposes this amendment for reasons which touch on the matters raised by the Leader of the Opposition in his speech. As the member for Adelaide has stressed previously in the debate, there has been strong public support for a ward structure on the basis of representation of local interests and accessibility of members. The petition, which was signed by 2 372 residents of South Australia, was presented to Parliament urging the Government to ensure that ward boundaries and local ward representations by elected members remain, and it needs to be given some rates.

There are examples of both kinds of structures in other capital cities, which indicates that a ward structure can work in a capital city. Brisbane and Darwin retain wards, Melbourne has a split system, whilst Sydney, Perth and Hobart, I acknowledge, use an 'at large' system. Notwithstanding that, the City Council is not unlike other councils in that it must still provide municipal services, and it is notable that most councils in South Australia still favour ward representations. As of May 1988, 50 of the 68 councils, not counting Roxby Downs, had wards. Interestingly, those few councils without wards are district or predominantly rural councils.

The member for Ross Smith, who I am glad has entered the Chamber, disputes the argument that the need to campaign over a whole area means that costs may be too high for interested individuals to mount campaigns. Even if individuals can mount campaigns, candidates backed by organised groups or parties would still have an advantage. At large elections can enable party or sectional interests to predominate when what is required is balanced representation of different groups.

A ward system keeps the cost of elections down, especially in the filling of casual vacancies. The danger of parochialism is avoided by ways in which the members' roles are defined, and if we look carefully at the definition of the responsibility of the elected members, that was specifically looked at under clause 24 where members are required to make decisions as the governing body to provide community leadership and guidance to a broadly defined City of Adelaide community—the member for Spence touched on that in his contribution—and serve the overall public interests of the city.

The proportional representation voting system can still work effectively under the ward system proposed. This system, in which the preferences expressed in votes for the most popular candidates carry weight, is the fairest and most

equitable system where two or more candidates are required to be elected. The member for Adelaide has also pointed out that, if wards do not exist, some other structure will probably need to be formalised to represent different groups within the city.

I want to put to rest some of the myths surrounding the fact that somehow the notion of wards is entirely for the benefit of the member for Adelaide. The member for Adelaide has played a part in this debate. The member for Colton—

**Mr Atkinson:** You weren't even intending to speak on this clause.

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** Sir, I object to that. I was reading my notes when it came up and for the member for Spence to suggest that I was not going to speak on this clause is very poor form, and I expect better of him. The member for Adelaide contributed to this debate, as did the member for Colton, and as did all members of the governing Party. The fact is that the governing Party decided, on balance, that it would support a ward structure in the city, and it did so because the modelling it has seen—

*Mr Clarke interjecting:*

**The CHAIRMAN:** Order! The member for Ross Smith is out of his seat.

**The Hon. M.K. BRINDAL:** The member for Ross Smith is out of his seat and interjecting but I will answer the question: 'No, not against my advice.' I recommended to the Party Room—and the member for Ross Smith knows that I cannot discuss what I said in Cabinet—the support of a ward structure for the City of Adelaide. One of the perennial problems to which spectators refer concerning the city is this artificial division—and I say 'artificial division' because the member for Adelaide in a previous life was a good example: he was a resident of North Adelaide and he was a professional practitioner in the City of Adelaide. Which was he? Was he one of these commercial interests or was he a residential interest? So, the division is not easily defined. Having said that, if you create—

*Members interjecting:*

**The CHAIRMAN:** Order! The Minister.

**The Hon. M.K. BRINDAL:** If you create some artificial—

*Members interjecting:*

**The CHAIRMAN:** Order! The conversation across the floor between the member for Spence and the member for Adelaide will cease.

**Mr Conlon:** Hear, Hear!

**The CHAIRMAN:** The lead speaker for the Opposition might be removed, too, if he keeps on.

**The Hon. M.K. BRINDAL:** So, if you create this almost artificial division between what one could define as a commercial vote and a residential vote, you find that on a ward system, using modelling from various elections that have happened before—and the same type of system that we have now—the results most fairly equate with the interests of the city in terms of those two groups. The Government is putting forward a ward structure so that all groups within the city that have a franchised vote are fairly represented on a resultant council. It is not about trying to advantage one group over the other: quite the contrary.

I know there are differing points of view and I know those differing points of view will be debated, but let us debate them honestly, and honestly from the premise that this is not some stitch up for the member for Adelaide. It is because the

Government holds the view that a ward structure for the City of Adelaide is the correct procedure to introduce to this Parliament. The Parliament will debate it and the Parliament will make a decision, but the Government in no way resiles from its belief that a ward structure will provide the best and fairest results for all the voters in the Corporation of the City of Adelaide and, if other forces in this Parliament have their say, it will give me no pleasure to come back here and say, 'You got it wrong', because I would like us to get it right today.

**Mr McEWEN:** This is a difficult decision with which to deal, because what we have in front of us is a hybrid Bill. We are trying to achieve two different things within one Bill: first, to address some changes in terms of a local government municipality—the City of Adelaide—and, secondly, this concept of a capital cities committee—this concept of Greater Adelaide. I would prefer not to be dealing with the two matters in the one Bill and I would also prefer not to direct local government how to do business. I do not think it is our place to be prescriptive about how another tier of government should do its business, being mindful of the fact that it is accountable to its ratepayers, not to this Parliament. That is the context within which we have to address this question of wards or no wards.

The Leader of the Opposition, speaking a little earlier to the objectives, made the point that we are now trying to put in place a vehicle whereby another tier of government elects its stewards to achieve two objectives: first, the objective of running a local government municipality, concerning which I would share some of the Minister's comments. Although I do not find the Minister's argument particularly convincing, I would share some of his views about the fact that, in terms of their local government municipality role, wards may be okay. I had the privilege of chairing the first council under amalgamation where we had no wards and, in turn, that council chose consequently to go back to wards, but it had at least cleared all the baggage. This was a circuit breaker. Even if I were proposing this amendment just as a circuit breaker, I would see the merit in it, but this is for another purpose; that is, to come to grips with this greater city concept, this capital city committee.

It is in that regard that a situation involving no wards has even more appeal. So, when we combine the two together, on balance, we have to see that no wards is the way to move forward in terms of the two objectives that are set out in this hybrid Bill.

**Mr CONLON:** The Minister referred to the need to debate this honestly and to the matter of who or who did not get rolled. I will not talk about that. However, I am refreshed after watching the Channel 2 news last night to find that the Minister is still in charge of the Bill. I was not certain about that after seeing the news, but it is good to see you there, Mark! In terms of being honest about this, let me address some of the comments the Minister has made regarding why we should keep wards. To suggest that keeping wards can somehow assist the less pecunious or the less well known to win seats flies in the face of the experience of voting systems in Australia and around the world. What the Minister is talking about is taking a proportional voting system that would elect eight and reducing it to a proportional voting system that would elect three, three and two.

The simple truth is that in a proportional voting system—and I assume Mark knows a little about elections—

**The CHAIRMAN:** Order! The member for Elder will refer to the Minister as 'the Minister' and not by his Christian name.

**Mr CONLON:** I assume the Minister knows something about voting systems. In a proportional voting system the greater the number of people being elected in any one area increases the opportunity for those less well represented by the traditional Party system, the big block system or the system favouring people with money, and favours people not in that group to get elected. That is why a No Pokies candidate can be elected to the Legislative Council but not to the Lower House. In fact, that is why there are no Democrats in this House. I would have thought that that was rudimentary politics. What a proportional voting system also allows—and I think some people on the Minister's side of the House understand this and approve of it (they did not quite get up)—is someone who might not be elected otherwise and who might just not represent the North Adelaide bloc or the commercial bloc. There might be a different face, a fresh view on the Adelaide City Council elected, and I do not think that is altogether a bad thing.

The suggestion from the Minister that by not having wards the commercial sector or the sector with lots of money or those with big donations would get up simply is not borne out by any experience anywhere. I have to say, though, that the Minister raises a very interesting point: there are those elected to the City of Adelaide who do have the benefit of large amounts of money, big donations, lots of funds and well funded campaigns. I note that other people are considering amendments in the other place involving the register of interest and disclosure of donations. It will be interesting to see whether the Minister carries this concern for those sorts of issues over to the Legislative Council—somehow I suspect not, but we will wait and see.

I take the Minister's point: I do not want to spend any more time on this Bill than we need to but, if we are to be honest, let us be fully honest and let us say that a proportional representative voting system with a pool of eight will give those less well represented under the old system more chance to have a say in the council.

**Mr CONDOUS:** I honestly believe that to support a ward system this afternoon would be irresponsible of any member on any side of politics, and I will cite the reasons why it would be irresponsible. I went through two fairly decent terms as Lord Mayor, only to finish up with a third turbulent term. I finished with a third turbulent term because I believed that putting some 1 300 hundred buildings on the Lord Mayor's Heritage Register to be preserved for ever was a move in the right direction. But two people, Alderman Hamilton and then Alderman Rann (now Ms Jose), made a decision off their own bat, without talking to the council first, and brought in a stack three weeks later, saying, 'This is going to be the streetscape.'

We said, 'What are you talking about?' They said, 'We've identified another 4 500 properties in the city which, although they don't qualify for the Lord Mayor's Heritage List, qualify for keeping the facade and the two side walls and simply developing the interior. But we keep the streetscape looking the same.' Let me give members an example of the impact of this on the business sector. Let us take the old 5KA building in Currie Street, and members will know the red brick building to which I refer. Under this streetscape plan, the first 17 metres of a commercial building could not be developed. That building was only 22 metres in depth, so all it left was five metres to develop. The poor fellow who owned it had

borrowed \$1 million to buy the building, and his bank manager suddenly said to him, 'If they bring this in, your building is devalued by half, therefore we want to see the colour of your money for another \$500 000, otherwise we have to foreclose.'

This did not happen just to this building: I only cited one example, but it happened throughout the city. It was a 'them and us' mentality. It was the residents versus the people representing the commercial sector. I represented a ward for 10 years and, believe me, I am talking from experience. I represented the south-west corner of the city, Grey Ward, and the only reason I did that was because I could not get Liberal Party preselection for any other ward in the city. Members may not know the history, but that was the truth. This will be interesting to the Parliament, and it should be recorded. In those days, of the 19 members of the Adelaide City Council, 16 were members of the Adelaide Club, and the six aldermen were all nominated by the Liberal Party to take on the position in the Adelaide City Council.

I represented the working class in the south-west corner, in Grey Ward, for 10 years. All of a sudden people were asking, 'Are you going to stay there for the rest of your life?' I was enjoying my life on the Adelaide City Council. I was making a contribution to the city in which I was born and which I love, and people said, 'You had better step up as alderman.' That was one of the worst things I ever did, because suddenly I had to start working 10 times harder. Instead of just representing a little corner one sixth of the city, I now had to represent the entire City of Adelaide, which meant that I had to hit the beat in all parts of the city and convince people that I was good enough to support as an alderman. I then had to broaden my horizons and say that I was not just representing the Central Market and the south-west corner, I was representing the residents in North Adelaide, the business sector in North Adelaide, the business sector in the CBD, in Rundle Mall, and I was representing the people in the south-east corner of the city and Hutt Street. Therefore, I had to be responsible for every single issue that I voted on.

I want to hear the arguments against what I am now about to put. It has been decided to cut the Adelaide City Council from 16 members to eight. If 20 people decide to nominate for those eight positions, why should every voter in this city not have the right to select the eight people they want to represent them on the council? Having been elected, those eight people should then have the responsibility, with every decision they are going to make, of being accountable through the ballot box to every solitary voter—not to sit in a little enclave in one part of the city and say 'I have only to satisfy 600 people that I am a good person, do the right thing by them and I get elected and keep on staying.' That factionalises the council. Instead of everyone there being responsible to every voter on every decision, one just has to satisfy one little section.

What disturbs me is that I have heard in the past few days that already the residents have put up a ticket for the next election. And I will name the four people on that ticket. The four people, who are currently members of the council, are Mewett, Brooks, Moran and Angove. I tell members now that if that happens and I see a ticket come out at the November election, I will bring a private member's Bill to this House to cut North Adelaide completely out of the CBD, to put it to Walkerville—and we will get support—and to allow the CBD to control its own destiny; because that is not fair. This \$90 million that has been built up at the moment in the annual

budget was not built up because people in North Adelaide contributed to the financial capital of this city.

Members may not be aware of this, but up to 20 years ago wards were conceived as a basis for local government expenditure, to ensure that funds raised in that ward were spent in that same ward. Ward accounting was abolished only within the last 20 years. That \$25 million that they collect now for car parking and all those parking stations were made possible because of the excess fat that was paid by commercial ratepayers in the CBD. All those wonderful French ticketing machines, which are just as good as poker machines, into which everyone puts money to be able to park on the pavement, were paid for from the surplus of the people who paid the huge rates in the CBD. The Central Market, which is now 130 years old, has been upgraded continuously by excess money that came from the CBD: it did not come from the residential areas.

Last year and the year before, more money was spent in North Adelaide than was actually collected in rates, and that is a shame. If people want to come back here as members of Parliament and have ongoing problems with the Adelaide City Council, then they should select a ward system. If they want a fair system of governance, let the people who represent the commercial wards be responsible for the decisions they make in residential areas and vice versa. Let it be a fair system. Let every vote be accounted for through the ballot box. If they want to vote on something in the CBD that will be detrimental to the retailers in the CBD, let them pay for it through the ballot box; because it is a fair system.

What the member for Adelaide should realise is that people want a ward system because they know that, under that system, they can have three representatives on the Adelaide City Council. In an open system, what will happen is that at best they will have two; they may only have one. They will not be able to control where the preferences go and, for the first time in their lives, they will actually be working against each other for the same vote.

**Mr Atkinson:** And won't that be an interesting sight!

**Mr CONDOUS:** Exactly. I am saying one thing: give this city half a chance. One thing that the Leader of the Opposition said this afternoon, which is quite correct and which we all realise (and I think that, as I said the other day, Governments are being responsible), is that this city is sitting on a knife edge. It needs good governance from November on to guide it. I have no argument with the suggestion that the Lord Mayor is doing an excellent job—she certainly is. The council has a good Chief Executive Officer, who is doing a good job. There are people on the council who will be elected, people who have a genuine interest, but let us get down to giving this city half a chance to become the great city it once was. While the shopping hours are not in it, if we increase the shopping hours in the suburbs we can kiss this city goodbye.

**The Hon. M.H. ARMITAGE:** There have been a number of interesting contributions thus far, not the least of which was the observation of the member for Colton that Alderman Rann and Alderman Hamilton brought in the streetscape exercise. That is the point I thought the member for Colton was trying to make: that aldermen will always do the right thing by the city whereas those elected to represent the wards will not do the right thing. I did not understand the bit about the Liberal Party pre-selection, but I look forward to discussing that with the member for Colton at some other time because I well recall a discussion that I had with him and his then media adviser in relation to Liberal Party preselection.

The important thing about one of the things the member for Colton and other people have said today is that, if there is to be an election across city boundaries, residents will not organise a vote. Of course they will. Frankly why should they not do that? Why should not groups get together and say, 'I believe this council and this city will run better if these people are on the council'? Surely that is a democratic principle, and one of the ways people do that is by running on a ticket. I expect that the business community, which the member for Colton speaks about so impassionedly, would have a ticket. I wonder whether people will say that they should not do that.

**Mr Condous:** I have advised them not to.

**The Hon. M.H. ARMITAGE:** You have advised them not to, but I am sure they will, because factually they always have. An interesting thing about the business ticket, so-called, is that I have not heard one person in this debate say that the present Lord Mayor is not doing a fantastic job, because she is—she is marvellous; an absolute breath of fresh air. However, it is factual that the business community a couple of elections ago did its darnedest to make sure that then Councillor Lomax-Smith, the Councillor for Grey Ward, was defeated. It spent buckets of money with high profile candidates backed by all sorts of people to try to get the present Lord Mayor off the council. Why? Because she as the representative of the people did not represent what the business community allegedly wanted.

The only reason that the present Lord Mayor (whom everybody has said is doing an extraordinarily good job—a sentiment with which I concur in spades) is still on the council is that there were local ward elections. If there had been a city-wide election, there is absolutely no doubt in the mind of any observer of Adelaide City Council electoral history that the present Lord Mayor, as Councillor Lomax-Smith, would have been defeated.

If we look at the rationale behind wards, it is to have the voluntary unpaid ward councillors able to ensure appropriate communication and local accountability within those wards. It is not a paid position and, thus far, I have not heard anyone say that it should be. However, in the public interest and in the service of a local community, to have a local ward councillor, whose position is voluntary and therefore he or she often has one or two other jobs, representing a small community is the appropriate way to go and the Bill ought to be supported from that perspective. Certainly when one looks at—

*Mr Koutsantonis interjecting:*

**The Hon. M.H. ARMITAGE:** I heard the member for Peake say that it is a gerrymander. That is interesting because, while the member for Peake is new here, the Electoral Commissioner knows a lot about elections and electoral boundaries and he has said that the three wards will ensure adequate and fair representation, that they provide more opportunities for people of different backgrounds and capacities to offer themselves for election. He also said, as I understand it, that wards provide an opportunity for a wider range of representation, reflecting the particular character of the different parts of the city. They are different, and if anybody disagrees with that I have not heard them say it thus far. It also importantly keeps down the cost of elections.

People have stood previously for local ward elections in the City Council and have indicated to me that they could not afford to run a campaign, particularly against large business interests with a city-wide vote. They could not afford to do it. Why does the ALP as the Opposition support this principle

so severely? The reason the Labor Party in Opposition is supporting this principle is that it wants to politicise the City Council election. It believes that the machines of the ALP will better be able to crunch elections for the City Council, and that is something with which I disagree completely.

There are clearly political people at all levels of local government within my electorate, for example, Prospect, Walkerville and Adelaide, but for the good of all those three councils they keep their political allegiances basically to themselves. However, the ALP wishes to see that broken down, which is a great shame. It is demeaning to councillors to suggest that they are unable to take a city-wide view with a large number of their decisions.

Even when the member for Colton was the local council representative for Grey, he was well known for having a view much wider than just the Grey electorate. Why do this? I have been told by all contributors that the reason is allegedly to diminish the influence of the residents of North Adelaide so that they are unable to exert influence over the whole of the city. I remind members in the Chamber that when I was in Adelaide as a business person I made one phone call and I was able to exert a vote, so any person who believes the business community of Adelaide is unable to exert influence on an election in the City Council is clearly not doing it with any consistency or intellectual clarity, because all they had to do under the past system, let alone the present system this Bill puts in place, was make one phone call and they could have exerted all the influence they wanted to, but they chose not to do it.

Undoubtedly the most important reason for wards to be allowed within the Adelaide City Council is that without them other structures will grow up. It is a fact of life that people will look to small interest groups to represent their particular interests within a larger body. That will be bad for the City Council because it will see an even more fractious council than the one we have had over the past decade. That would be a disaster. I have not heard any member of Parliament, even those who oppose the Government's Bill for political purposes, say that it is a good thing to have a fractious Adelaide City Council.

I contend that, with a city-wide election, small interest groups will grow up and will have their representative on council, and they will be expected to toe the line with that faction. Having been the local member for Adelaide during the past decade, when there have been so many factions within the council, I think that would be an absolute tragedy. I also note the contribution from the Minister who indicated the number of councils around South Australia which, given a choice, believe that local ward representation is the way to go. I note the contribution of the member for Gordon, who indicated that, the very minute a council which amalgamated and on which he served was given the option of remaining without wards or reinstating wards, it went back to wards immediately. The reason for that is quite clear: local people like local representation.

**Mr CONLON:** The extraordinary thing about this debate has been the illustration of all the past problems in the city with its factionalism, self-interest and sectional interest, and no better evidence can be found than in the member for Adelaide's contribution. It is a case of dressing up simple naked self-interest as a question of principle. I am not here to bag the residents of North Adelaide, and I have resisted doing that. I have said that some people, like the member for Adelaide, have exercised self-interest. I do not think that the residents of North Adelaide are any worse or any better than

any other residents. This is about structures and how democratic structures lead either to a good system of government or to factionalism or, as one member put it, the 'Balkanising' of the City Council. For the member for Adelaide to talk about us politicising the council after what we heard from the member for Colton defies belief.

The member for Colton told us that 15 of the 18 members of the Adelaide Club had sought preselection by the Liberal Party for the wards. We have never engaged in that. When the member for Adelaide talks about the council being politicised, he is talking about someone taking his private hunting estate off him. Where do you keep the king's deer? Will you ban us from poaching in the Torrens? That is what he is talking about when he refers to politicising the council. He is talking about losing his private property rights. This is the twentieth century—nearly the twenty-first—and we do not set mantraps any more! I did not approach this debate with much passion until I heard Lord Armitage's bizarre offerings.

The member for Adelaide presented some arguments as absolute fact. He talked about how much regard he has for the present Lord Mayor and how some evil people tried to knock her off some time ago and that we should prevent it. I have run a few elections and, if you have to knock someone off, it is extremely hard to do so when all they have to do is get about 11 per cent of the vote. The system that we are proposing is that, to get elected to the City of Adelaide, a candidate has to win the support of slightly more than about 11 per cent of electors. It would be a lot harder to knock off someone like Jane Lomax-Smith when she has to convince only about 11 per cent of a pool of voters that she should be elected as opposed to 30 per cent or 50 per cent.

I do not put that up as an absolute fact, because that seems to be a pretty cheap phrase in this debate. I put to the Committee the experience all around Australia. One of the reasons that has been suggested for Labor and the Liberals together in Tasmania reducing the number of people elected from each ward is to prevent people getting their 11 and a bit per cent and participating in Parliament. The honourable member should not trot out absolute facts that are absolute rubbish. For once, the most compelling contribution to this debate did not come from our side. Anyone who supports wards after hearing the member for Colton's contribution simply wants to keep a system that is no good.

**The Hon. M.K. BRINDAL:** I acknowledge the contribution from both sides of the Committee. I particularly acknowledge the contribution of the shadow Minister since it is the only thing that I have heard today that has made the member for Playford get his nose out of a book, so at least we have contributed something. I hope that this debate will not continue in a vein of what may have been true yesterday. Whether or not the Adelaide Club dominated the activities of the council in bygone years, it certainly does not today. We are talking about the council for today and, what is more important, we are talking about the council for the new millennium. Tribal warfare about what did or did not happen, about who is or is not responsible, is hardly relevant to this debate.

I acknowledge the member for Colton's contribution and that of the member for Gordon. They feel this with a passion, but it is one of those problems to which there is no complete solution—there is only the best guess of this place. There is a certain irony that those opposite and every person in this place are arguing for an at-large electorate, whereas this place in its entirety has two systems of election: one is the good old parochial ward system, as each of us represents; and the other

is the at-large system, as represented by the Legislative Council. I seem to remember that members opposite are quite passionate about their desire to be rid of that place, which in representing everybody I believe they have claimed represents no-one. They are not my words; they are the words of members opposite.

In fact, with such passion do we share a belief in our ward system that we even fiercely resist the notion of multimember electorates. Neither political Party will wear that but, when it suits our purposes, for the Corporation of the City of Adelaide we can turn all the arguments for our own election on their head and argue from a different point of view. I suppose that makes us good politicians, but it does not make much sense out there because, if every one of us can sit here in the interests of South Australia and serve both the interests of our electorate and the interests of the wider State, who are we, as the member for Gordon said, to interfere minimally in another level of government and to say that, while it is possible for us to see both the wider public interest and our individual ward interest, it is not possible for them because after all they are only councillors? That is the inherent bias in the argument, but it is not coming from this side of the Committee because the members who have a passion on this side feel it genuinely. I suspect—

*Members interjecting:*

**The Hon. M.K. BRINDAL:** The member for Gordon used the word—

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** There are those in this place who assure me that you could be passionate on that substance.

**Mr Foley:** Who?

**The CHAIRMAN:** Order! The Minister will not respond to an interjection from a member who is not sitting in his correct seat.

**The Hon. M.K. BRINDAL:** The reason that we are debating the structure of the council is that, frankly, over a number of decades the structure of the council has represented a problem. I remind members of the contribution of the member for Spence, who talked about one of the quintessential problems in the governance of the City of Adelaide, that is, that as our capital city every one of us has a stakehold in it. Most of us in this Chamber come here, we spend our money and we contribute our wealth to this city, but we are not domiciled in this city and we do not generally have businesses in the city, although we contribute to the wealth of the city.

Unlike most municipalities, we have a unique situation where a major stakeholder, the people of South Australia, are disfranchised. We have come up with what we believe is the best compromise. We could have gone, as occurred in Western Australia, for malapportionment. We could have gone, as the member for Spence suggests, for some sort of system where a group is nominated by the Parliament. We chose the more traditional approaches.

*Mr Conlon interjecting:*

**The Hon. M.K. BRINDAL:** The shadow Minister says, 'The more cautious approach'; yes. I remind the shadow Minister that this House is sovereign and if, having tried a reasoned and reasonable approach, it does not work, we will come back to this House with a less reasoned approach that does work. That is a matter for Parliament. Parliament passes laws in the best interests of the people. If those laws prove not to be good law, we modify the law. It is a long-estab-

lished tradition in this place. This is cautious and it is reasonable, and it is a good step in the right direction, but it will be under review, as provided. On balance—

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** I appreciate what the member for Colton said. His worry is that segmental interest groups can dominate in a ward system. My worry and the Government's worry is that under an 'at large' system it is equally possible for segmental interest groups, if they turn out in huge numbers at an election, to sway the results in a disproportionate manner. That is the concern. It is balance. I acknowledge that the ward structure is the more conservative of the two solutions because I think it gives the more certain answer, which is fair balance within a council. The avenue pursued by the members for Gordon and Colton are obviously worth considering because this Committee is considering them, but they will not—

**Mr Clarke:** You are due for promotion.

**The Hon. M.K. BRINDAL:** They will—

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** They will not necessarily result in the type of outcome for a council election that I believe the members for Gordon and Colton genuinely seek. The Government has put forward—

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** —a proposition which it believes gives the best results for the governance of the City of Adelaide and which, as the member for Gordon says, least interferes with the normal processes of the City of Adelaide as a municipality. That is why we have opted for a ward structure and that is why we continue to support a ward structure and, for once, I will take the advice of the member for Ross Smith.

The Committee divided on the amendment:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Maywald, K.	McEwen, R. J. (teller)
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Williams, M. R.	Wright, M. J.

NOES (20)

Armitage, M. H.	Brindal, M. K. (teller)
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.

PAIR(S)

Hurley, A. K.	Olsen, J. W.
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Majority of 4 for the Ayes.

Amendment thus carried.

**Mr CONLON:** I move:

Page 9, lines 9 to 11—Leave out subclauses (2) and (3).

This amendment relates to a matter that was touched on earlier by the Leader of the Opposition, that is, the provision that would allow the Lord Mayor only two terms of office. No convincing argument has been put forward for it. It is ironic that we are here today talking about what a good Lord Mayor the current Lord Mayor is, and I do not know what she desires to do, but we are to make sure that she never serves more than one term. There seems little argument on principle for it. I can guarantee that no-one in this House would like the rule applied to them and, on that basis, I ask the House to support my amendment.

**The Hon. M.K. BRINDAL:** The Government opposes the amendment for the reasons that I have previously given. This is not a matter which comes here at the instigation of the Government but rather after consultation with the Corporation of the City of Adelaide and with some reference to the Local Government Association, although the prime mover was the Corporation of the City of Adelaide. In fact—and the member for Adelaide could probably help me in this—it was a longstanding tradition that no Lord Mayor sought or received more than two terms. That changed, and we acknowledge that change, but it is now the feeling of the corporation that it wishes to embody that in legislation.

The member for Gordon eloquently argued that there should be minimal interference between levels of government. Here we have a capital City Council arguing that it wants two terms for its Lord Mayor. The Government of South Australia is prepared to accede to that request. If the Opposition wishes to deny that request, as it does in this amendment, it will do so. But the fact is that the Opposition in this matter is clearly acting against the wishes of the elected council of the Corporation of the City of Adelaide.

**Mr KOUTSANTONIS:** I support the amendment. It surprises me that there are members in this House who wish to support term limits, for whatever reason and for whatever system. There is only one institution that I know of that has active term limits, and that is the United States Congress and the presidency of the United States. There is no term limit for the vice-presidency: I am not sure how that works constitutionally in the United States. As the Leader of the Opposition said earlier, the reason for term limits in relation to the presidency is because Franklin Delano Roosevelt won four elections, and there was concern afterwards that maybe a President, because of the power of incumbency in the United States, could rule for far too long. If that rule was not in place, Ronald Reagan would probably still be President of the United States, and they would have a President who has forgotten who he is.

However, we are not talking about the United States of America and we are not talking about a nuclear power: we are talking about the governance of the City of Adelaide. If there is a good Lord Mayor, I can see no reason why they should resign simply because there is a term limit. The Minister argued that, because the City of Adelaide has requested it, therefore this Parliament should do it. The fact is that the City of Adelaide and councils in general exist because the State Government constitutionally allows them to exist: therefore, they take roles of governance from us. But to say that the State Government and this Parliament has no right to interfere with local government is outrageous. It is not important that

the members of the council are elected: what is important is what is best for South Australia.

The principle is that it is being said that members of the council can serve only two terms as Lord Mayor. There is a tradition within the City of Adelaide council that, once the Lord Mayor ceases being Lord Mayor, they continue on as an alderman for a term after that. Will that be enshrined in legislation also? That cannot be done. This is simply the case of a council worrying about rotating the number of people who become Lord Mayor, to make sure that one person does not become entrenched as Lord Mayor of Adelaide. I believe that that is wrong: it should be up to the electorate. It is basically taking away the electorate's democratic right to choose its Lord Mayor.

The member for Adelaide has talked about democratic rights of the electorate of the City of Adelaide, but here he is supporting that electorate being neutered and being told that, after two terms, it can no longer choose the same Lord Mayor and that it must choose someone else. I would go further if I were the shadow Minister, but obviously I cannot. I also believe that the system of the Lord Mayor being chosen solely from the ranks of councillors could be seen as being a little undemocratic—but, of course, that is a decision of this Parliament. However, to say that it is a tradition that the Lord Mayor serves only two terms and then resigns is not a good enough example in making legislation because, as I said before, there is also a tradition of the Lord Mayor becoming an alderman after serving two terms. I believe that the member for Colton was a good Lord Mayor of the City of Adelaide, and when he served that third term it upset a lot of people in the North Adelaide Society, the Adelaide Club and so on.

I believe that it should be left up to the electorate. I do not believe in interfering with democratic processes which the electorate will decide, and I believe that the Government's opposition to this amendment moved by the shadow Minister is extremely unfair: it is just being obsessive and obstructive.

**The Hon. M.K. BRINDAL:** I find the argument put forward on the other side rather confused and confusing. I believe that the argument that this is only the Lord Mayor of Adelaide is offensive to both the office of Lord Mayor and to the Corporation of the City of Adelaide.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** It is not. The member for Spence needs to read his own contribution. It is not, as he interjects, just another council: it is the capital city of this State, and the request comes from the considered opinion of the elected representatives of that level of governance. If the member for Spence holds so dear—I am sorry, I said the member for Spence when I meant the member for Peake, because I realise that the member for Peake is only the member for Spence's mouthpiece—

**Mr KOUTSANTONIS:** I rise on a point of order. The member for Unley is reflecting on me and the member for Spence, and I ask him to withdraw his remarks.

**The CHAIRMAN:** There is no point of order.

**The Hon. M.K. BRINDAL:** The very reason, I suspect, why the elected members of the corporation considered this desirable is exactly the same sort of reason why the United States did what it did with the presidency and the same sort of reason why we ended up putting a term on judges: it is possible to go on for so long that one wears out one's welcome. And I am not alluding to the very valuable contribution of long-serving members in this place: it is a different matter entirely.

*An honourable member interjecting:*

**The Hon. M.K. BRINDAL:** The Premier behind me served a long and distinguished career. Whether any Premier subsequently in this place will be able to enjoy the length of tenure of Sir Thomas Playford—

**An honourable member:** It was 27 years.

**The Hon. M.K. BRINDAL:** —yes—I absolutely and sincerely doubt. But I go back to the point I made previously. This request comes from the elected body—

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** The member for Peake should keep very quiet, because the LGA might be alerted to the comments he made and might read them in *Hansard*, where he speaks—

**Mr Foley:** If we could be so lucky.

**The CHAIRMAN:** Order! The member for Hart is out of his seat, and interjecting.

**The Hon. M.K. BRINDAL:** —of local government as if it were some sort of second-rate, subservient and client body to this place.

**Mr Koutsantonis:** I did not say that.

**The Hon. M.K. BRINDAL:** The member for Peake wants to re-read his remarks and perhaps re-doctor them afterwards, because that is what he said.

**Mr CLARKE:** I rise briefly to say that the Minister has made a nonsense of his own argument. The fact is that in every other local government authority in this State, as I understand it, there is no time limit with respect to the mayor or the number of terms one can serve on the council. With respect to this Parliament, if you happen to be elected to this Parliament *ad infinitum*, you can be. It appears that the member for Stuart fits into that category. Notwithstanding our best effort, he is still here. He has not been prevented by an Act of the Constitution to limit his terms of office, and no-one to my knowledge has ever proposed that members of this place or another place, including a Minister or a Premier, should have their term of office limited.

So, it is just a nonsense to suggest that the Lord Mayor occupies some such special spot in our governmental structure that warrants that they must automatically forfeit the right to run for office simply because they have served two consecutive terms of office. The fact that the City of Adelaide councillors as at this point in time happen to believe that it should be so does not make it necessarily right, and you will be putting into place precedents that can be used quite validly with respect to this place and any other Parliament, for that matter, that there should be a maximum term of office.

I do not think too many of us want to play around with that particular subject matter, so why should we impose it on the ratepayers of the City of Adelaide? If a member or a Lord Mayor has run their course and gone past their use-by date, it is up to the voters of the City of Adelaide to reinforce that point of view by putting that person out to pasture, as will occur at the next election with the member for Stuart.

**Mr SCALZI:** I have been listening carefully to the comments of members opposite, and I can see that they are not comparing apples with apples or prunes with prunes, and to talk about the position of the Lord Mayor in the same vein as a State member of Parliament is not appropriate. You are talking about a leadership position—

*Mr Clarke interjecting:*

**The CHAIRMAN:** Order!

**Mr SCALZI:** You are talking about a leadership position, about the composite of the City of Adelaide representing the whole council—

*Mr Foley interjecting:*

**Mr SCALZI:** Well, if someone wanted to put a proposition that a Premier should be limited to two terms, that is a different matter, but we are not debating that. The arguments are fallacious when comparing the Lord Mayor's position with that of members of Parliament or other council areas. The point is, it is the City of Adelaide, which has a different perspective from the other local governments. Whether we like to accept it or not, the reality is we are a City State in a way, and Adelaide holds a special place. I have heard—

*Mr Clarke interjecting:*

**Mr SCALZI:** Yes. I have heard members opposite time and time again say that the City of Adelaide is the flagship, and I have heard members on this side say that the City of Adelaide is the flagship, and we start pouring all the apples into the same barrel because it suits us to make some political point-scoring, to have a go at some members here for the sake of having a go. The reality is that the position of Lord Mayor in the City of Adelaide is different.

**An honourable member:** Why?

**Mr SCALZI:** Learn a little bit about geography.

**Mr Clarke:** This is South Australia!

**Mr SCALZI:** Yes. When I spoke earlier, the member for Ross Smith accepted it by saying that you could not compare it with members of Parliament. If a member is elected and is here for 20 years, it is not the same thing as being elected Premier for 20 years, or being elected mayor for 20 years. It is a different matter. The United States of America has a President for two terms, and that is part of their constitution.

*Members interjecting:*

**The CHAIRMAN:** Order!

**Mr SCALZI:** If the member for Ross Smith wants to bring in a Bill about having fixed terms for Premiers, bring it into this House and we will debate it in its proper perspective. If that has some merit, we will look at it and debate it. This debate is not about the Premier, the Prime Minister or all local government areas. It is about the City of Adelaide. Let us get back to the City of Adelaide. I believe there is support for that, and it makes a lot of sense because of the special place that the City of Adelaide has for South Australia. Let us not confuse the issue. Let us get back to the main purpose of this debate, and that is the City of Adelaide. I believe, along with the Government, that there is merit in having two terms.

**Mr FOLEY:** To date I have resisted the temptation to enter the debate about the City of Adelaide, but I feel compelled to do so. I have to be a little careful in what I say to ensure that my comments are completely consistent with the view of the Opposition.

*Members interjecting:*

**Mr FOLEY:** I am not a fan of the Adelaide City Council and never have been, and I do not see anything changing for the foreseeable future. My view has always been that, if we are going to have an Adelaide City Council, we should give its members something to do, instead of the very minor role they now have to play in the governance of the City of Adelaide. I actually believe we should actually give them a real role, and that is perhaps to look at a wider area of governance. However, that is not the point we are debating today.

I have listened to contributions such as that from the member for Hartley, and the nonsense he has gone on with. Here we are hour upon hour debating the future of the Adelaide City Council, and whether or not the Lord Mayor should have two terms. At the end of the day, what is so

privileged and what is so important about the Adelaide City Council that requires us to be debating the nonsense we are debating tonight, whether or not the Lord Mayor of Adelaide should be restricted to two terms? The Premier of this State is not restricted to two terms. No other mayor of any other City Council in Adelaide is restricted to two terms.

What is so special and precious about whoever happens to be the Lord Mayor of the City of Adelaide? I, too, happen to think the current Lord Mayor is doing a very good job. My only argument is we should give her more to do, but that argument is not necessarily the view of the Opposition. But to suggest that just because that person is doing a good job or not a good job should determine whether we should restrict them to two terms is an absolute nonsense. Why we are even bothering to debate such nonsense is beyond me.

The current junior Minister has done his chances no good at all of being elevated to Cabinet, already having lost one vote today. I suspect he will lose a few more before this Bill is over with. What annoys me with our preoccupation as a Parliament with the Adelaide City Council is the fact that I do not actually see the Adelaide City Council as more important than the Port Adelaide Enfield Council. When I look at the ratepayers in my electorate, and when I talk to the people down my street, the most important council to them is the Port Adelaide Enfield Council. The most important council to my colleague here is the council for Charles Sturt. This would be the case as applied to anyone else, and we could go right through the geography of South Australia.

I do not stand here night after night debating the importance of the Port Adelaide Enfield Council which, I would argue from my own parochial perspective, is more important to the economic development of this State than the Adelaide City Council. I am probably wrong, but I am taking a fairly parochial position, and that is not a bad thing. But, at the end of the day, do we have to keep coming in here debating whether we will have a committee set up to run the City of Adelaide, whether we will have wards or boundaries, and whether we will give them two terms or what? It is a load of nonsense at the end of the day.

To be highlighting the fact here that we are debating and wasting precious moments of this Parliament about giving the Lord Mayor of Adelaide a restricted term is a nonsense. The former Lord Mayor broke that unwritten tradition. If a person is doing a good job, let them stay there for eight, 10, 12, or even 16 years. That is democracy. If the people of Adelaide want Jane Lomax-Smith and if for some reason Jane would possibly want to go for more than two terms, good luck to her. For us to be in this House tonight debating whether or not we should restrict it I think is a nonsense. I would suggest to the Minister that he has got it wrong again. I asked earlier, by way of interjection, about what we were actually doing with this Bill apart from wasting debating time in this place.

I will leave for another clause some other comments about some nonsense I read in the *Advertiser* about the rent rebate, which yet again typifies why I think the Adelaide City Council is a bit of a joke and, in my mind, continues to be a bit of a joke. We are debating absolute nonsense and, at the end of the day, the council of most concern to me is my council. Occasionally, I wish we would give as much weight to the other councils in metropolitan Adelaide and country South Australia as we give to the Adelaide City Council and we might see some real change in this State.

**The Hon. M.K. BRINDAL:** If the member for Hart finds his council the paramount and predominant interest in his life, it is a pity that we did not see him at a few of the consulta-



tions and other meetings that I have had with his council. He speaks eloquently about them but was most notable by his absence. I say this about the contribution of the member for Hart: he more than any other member opposite represents the reason why the Opposition is currently on the Opposition benches and why he as an adviser to a previous Government got into so much trouble.

**Mr KOUTSANTONIS:** Mr Chairman, I rise on a point of order. My point of order relates to relevance. We are discussing an amendment relating to term limits and the member for Unley is simply attacking the Opposition.

**The CHAIRMAN:** There is no point of order and I would remind the member for Peake that it is 'the Minister' not 'the member for Unley'.

**The Hon. M.K. BRINDAL:** I find it offensive—and I use those words deliberately—that the member for Hart comes into this place at what amounts to about the last 30 seconds of the debate and makes inane remarks about the value of this Bill to this Parliament. If this Parliament and this Government chooses to debate a Bill, then the Parliament and the Government will choose to debate a Bill and we do not need marks out of 10 from the member for Hart to say whether it is a good or bad Bill. I remind members opposite that the member for Hart and his ilk in something like 10 years of Government could not even address the governance of the City of Adelaide. So, it sounds a bit like churlish spite that the honourable member should stand up and make the type of stupid remarks that he has just made.

*Members interjecting:*

**The Hon. M.K. BRINDAL:** The member for Hart has not upset me; far from it. The member for Hart has offended me because of the sorts of comments he has made about the capital city of this State. The member for Hart—

**The CHAIRMAN:** Order!

**Mr FOLEY:** Mr Chairman, I rise on a point of order. This is probably out of order, but I withdraw any offending remarks—

**The CHAIRMAN:** Order!

**Mr FOLEY:** I really am distressed that I have offended the Minister.

**The CHAIRMAN:** Order! There is no point of order.

**The Hon. M.K. BRINDAL:** The member for Hart asks: 'Why is this Lord Mayor special?' This Lord Mayor is special quite simply because important people from overseas visit two people in this State and sometimes in the order of, first, the Lord Mayor and, secondly, the Premier, because the concept of a Lord Mayor overseas, especially in America, is understood to be the embodiment of the civil authority. Many people go to the Lord Mayor and the Premier. The Lord Mayor's position is a pre-eminent position in local government in this State.

**Mr SNELLING:** Term limits are best enforced by the electors of the City of Adelaide and, if the Government thinks that term limits are so important, I am sure the voters of the City of Adelaide can enforce those term limits. When they think that a Lord Mayor has been in office too long, has become tired and a bit of a hack, they have the option of voting the Lord Mayor out. They have always had that option; they always will have that option. The Opposition argues that should the electors of the City of Adelaide come to the conclusion that an existing Lord Mayor who has served two terms should continue in that position—and there are many arguments for and against—then they should be allowed to make that decision. It seems very patronising of the Government to enforce term limits on the City of

Adelaide when they may not indeed want it. If they do want it, then they are at complete liberty to make that decision at the ballot box.

**Mr ATKINSON:** The Minister claimed that the previous Labor Government made no attempt to reform the Council of the City of Adelaide. The Minister should remember that he was in Parliament when the Labor Government did so in either late 1992 or early 1993 when legislation was passed through the House to amalgamate the Hindmarsh and Gawler wards of the City Council so that there would be approximately equal numbers of electors in each ward. I recall that Bill very well because I spoke against the Bill and voted against the Government—on the voices, of course—because I did not want to see Hindmarsh and Gawler wards amalgamated; I wanted to give the maximum possible voice to the area of the city that generated all the wealth. This occurred in about 1992 or 1993.

The Minister's handling of the Bill has been quite good. I agree with him that the City of Adelaide is a special case and should be treated by special legislation, and he has made a sincere attempt in the Bill to ensure that the City of Adelaide operates for the benefit of all South Australians. Now he is being hampered in that by the member for Adelaide, but the Opposition will, where it can, support the Minister against the depredations of the member for Adelaide. All the member for Hart was trying to say in his contribution was that, although the City of Adelaide was special and should be treated as a special case and was indeed a flagship council for the—

*Mr Scalzi interjecting:*

**Mr ATKINSON:** Well, I am saying it for him. The honourable member was merely making the point that he wished councils such as the City of Charles Sturt and the City of Port Adelaide Enfield would be treated with the same seriousness by this Government as the City of Adelaide should be treated.

*Mr Scalzi interjecting:*

**The CHAIRMAN:** Order! The member for Hartley will come to order.

**Mr ATKINSON:** Yes, would you please protect me from the member for Hartley, Sir?

**The CHAIRMAN:** The member for Spence.

**Mr ATKINSON:** The point we are trying to make on this particular clause—and I am sure this is what the member for Hart was trying to do—is that, if it is good enough for the mayor of every other municipality in metropolitan Adelaide not to have term limits, what is different in this case with the City of Adelaide? What the Opposition is putting is that, although the City of Adelaide is special, in this respect it is not special. I make one further point; that is, to respond to the member for Adelaide's assertion that every one thinks Jane Lomax-Smith is doing a wonderful job as Lord Mayor and long may she continue in the job. I remind the House that Jane Lomax-Smith did not win the most votes in the council election for Lord Mayor, Alfred Huang did.

**Mr SCALZI:** The Lord Mayor of Adelaide has a special place. It was the Lord Mayor of Adelaide who bid for the Commonwealth Games, not the Mayors of Port Adelaide Enfield or Payneham. There is a special place for Lord Mayors. To put them all in the same context takes the City of Adelaide out of its special place.

**Mr CLARKE:** I will be brief. The member for Hartley refers to the Lord Mayor's position as occupying a very special place. The Vatican is a city state and the member for Hartley has not recommended that the Pope be limited to two

terms. I do not think the Lord Mayor of Adelaide ranks alongside the Pope in terms of the Holy See and importance on the world scale.

**Mr FOLEY:** I will also be brief, but—

**The CHAIRMAN:** And this is the honourable member's last question.

**Mr FOLEY:** It is only my second.

**The CHAIRMAN:** It was a good try.

*Members interjecting:*

**The CHAIRMAN:** Order! The member for Hart.

**Mr FOLEY:** I am worried when I have offended the junior Minister for Local Government. The position of Lord Mayor of Adelaide is important. I am not arguing about that, but I want to put it into context. It does not rate ahead of the Premier of this State. If the junior Minister for Local Government seriously thinks that the Lord Mayor of Adelaide ranks in protocol above the Premier, I do not know what he has been doing at all those protocol functions he goes to. I must tell him that his boss, even though we may not like his politics, ranks a lot higher than the Lord Mayor of Adelaide, and we are not suggesting that the Premier of the day should be limited to two terms. Let us put it into context: we are talking about the Lord Mayor of a small council that just happens to have within it the CBD of Adelaide.

*Members interjecting:*

**Mr FOLEY:** It may be the capital, and I am sure that it is important to some. I would give it a much bigger boundary and a real job to do: that is my preferred position. Then I would give it all the status it would like in the world. But as long as it is very small, both geographically and in terms of population base, let us deal with it in the context of what it is. It is important but, notwithstanding the fine efforts of the member for Colton when South Australia put in a bid to hold the Commonwealth Games, it was the Premier of the State who led our bid. It is the Premier of our State who is noted and who is seen as the head of the State in these negotiations. The Lord Mayor has a very important role to play, but let us not overdo the importance of it.

Quite frankly, I think it is not just a nonsense but, if Jane Lomax-Smith continues to do a good job and chooses to be there for a decade, who are we to say that she should not? Who are we to say that the next Lord Mayor of Adelaide should not be allowed to continue for as long as that person sees fit—particularly given our privileged position. We would be the first people to jump up and down if John Howard were standing in Canberra now, debating that the member for Unley should be restricted to two terms. Heaven help us: perhaps that might not be a bad idea. But we would be up in arms about it.

**Mr WILLIAMS:** The member for Hart a few minutes ago was talking about the waste of time on this minor issue, yet he seems to be wasting more time on this issue than anyone else in the Committee. He repeated himself quite often in his diatribe. I contend, and argued in my second reading contribution on this matter, that the City of Adelaide is different from other councils. It is different from other local government jurisdictions in South Australia in so much as the State of South Australia and the ratepayers of South Australia, from all over the State, contribute greatly to the City of Adelaide. In return, the City of Adelaide is the centrepiece of South Australia.

It is a city-state, and the Lord Mayor of the City of Adelaide is ceremonial head of that city and, indeed, of this State, in many respects. The Lord Mayor of the City of Adelaide has a major ceremonial role in the affairs of all the

people of South Australia, thus it is quite fair to regard the Lord Mayor of the City of Adelaide somewhat differently from the head, chair or mayor of any other local government jurisdiction in the State. I think it quite reasonable, for those reasons, for this Parliament to make some rules and regulations with regard to the City of Adelaide. I also think it quite reasonable that this Parliament should restrict the Lord Mayor to two terms, because the Lord Mayor's position is one of tradition.

The Lord Mayor's position is one of considerable ceremony, and one that traditionally has been taken up by people after many years of faithful service to the people of the City of Adelaide and, indeed, to the people of South Australia, and it is seen somewhat as a reward to those people at the end of many years of largely unpaid service to the people of the city. Consequently, there are many people who serve the city and South Australia in roles within the City Council, and it would be unhealthy if a particular mayor stayed in that role for many years and restricted other members of the council from aspiring to that role. I hear much of what the Opposition is saying about our having this influence over local government but, because it is a special council and because it is a special position, I think it is quite within the role of this Parliament to make these rules and regulations to govern the City of Adelaide. I support the Minister in this course.

**Mr KOUTSANTONIS:** I want to respond briefly to what the Minister said about me. I will be letting every mayor in my electorate know that I oppose term limits, and I will write to my mayors and councils saying that I wish to see them serve for as long as their electors wish. If the Minister thinks that somehow that will show me in a less favourable light to my local councils, he is tragically wrong. I can assure members that Mayor John Dyer and Mayor George Robertson are extremely opposed to a term limit, not because they want to keep their jobs but because they know that the electorate is intelligent and articulate enough to get rid of a mayor that it does not like.

The member for Mackillop said that there should be term limits. The member for Mackillop defeated the sitting member of Parliament (Hon. Dale Baker). I say to him that the people of Mackillop were thoroughly sick and tired of Mr Baker and did the right thing and got rid of him. They did not need term limits to get rid of him. The Minister said earlier that the LGA requested this and that it is a request from the City Council. I say that, if the mayor is such an important position, they should be paid appropriately.

If the LGA and local councillors of the City of Adelaide want to be paid, will the Minister introduce legislation to pay them accordingly? Will he base it on backbenchers' or chief executives' salaries? The Minister said earlier that because the council requested it he granted it. It is the Minister who is in charge and setting the example, setting the path for the council, yet he is saying that simply because they requested it he will give it to them. If the position of mayor is such a special position, and if it is held in such high regard in South Australia, pay them like a backbencher. But the Minister will not do that.

*Mr Condous interjecting:*

**Mr KOUTSANTONIS:** They do not get that much. It amazes me that the Minister simply says, 'My argument for this is—'

*Mr Conlon interjecting:*

**The CHAIRMAN:** Order! The member for Elder will not interject.

**Mr KOUTSANTONIS:** The Minister's argument is not because he thinks term limits are right. If he thought they were correct and proper he would engage them across the board for the Premier, the Governor, Ministers, backbenchers and all elected representatives across South Australia. He said the Lord Mayor is a special example. It is not a special example but another arm of government. He cannot impose something that is not across the board. It is unfair and undemocratic.

**The Hon. M.K. BRINDAL:** Lest the Government's position be misrepresented, I said that this arises from consultation between the Government and the elected members of the City of Adelaide and that the LGA had knowledge of it. The member for Peake does this Committee and himself a disservice because, if he read the contributions in the second reading debate, he would know that this is a Bill in so far as the City of Adelaide is special and reflects special arrangements for the City of Adelaide.

*Mr Koutsantonis interjecting:*

**The CHAIRMAN:** Order! The member for Peake has made his contribution twice.

**The Hon. M.K. BRINDAL:** There is no intention on the part of this Government in the reform of the Local Government Act to preempt that Act and have any position at all on term limits for mayors. It was clearly said in the second reading explanation that these were special provisions for the Corporation of the City of Adelaide and taking that corporation and the needs of that corporation into account by talking to them, by consulting with them—

*Mr Koutsantonis interjecting:*

**The Hon. M.K. BRINDAL:** The member for Peake is quite right: I have the privilege of being entrusted with the leadership of local government in this Chamber, but leadership does not involve blindly heading down whatever path your predilections take you. Leadership involves consultation, working with people and helping the whole of the people to go as far as we can go together. I suggest the member for Peake learns that, lest one day he finds himself on this side of the Chamber and God help South Australia if ever he does with his current attitudes, because he shows an arrogance and disregard for the wishes of other people of which I hope the people of South Australia take note. I hope he continues in this debate, but not to misrepresent the Government's position.

The Committee divided on the amendment:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.(teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	McEwen, R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

NOES (23)

Armitage, M. H.	Brindal, M. K.(teller)
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.

NOES (cont.)

Matthew, W. A.	Maywald, K.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Hurley, A. K.	Olsen, J. W.
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Majority of 2 for the Noes.

Amendment thus negated.

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

**Mr McEWEN:** I move:

Page 9, lines 14 to 16—Leave out subclause (5) and insert:  
(5) The composition of the council may be changed by proclamation under section 22 of this Act.

**The Hon. M.H. ARMITAGE:** In relation to the various amendments moved by the member for Gordon, given that they are consequential and given that the Committee has voted under an earlier clause in relation to this matter, whilst I fiercely disagree with the rest of the provisions, I intend not to take the time of the Parliament.

**The Hon. M.K. BRINDAL:** I reiterate what the member for Adelaide said. They are consequential provisions and this has been tested by the Committee. It is not the Government's preferred position, but the Government accepts that the Committee has voted on the matter, so we will acquiesce to the amendments.

Amendment carried.

**The CHAIRMAN:** I suggest that the Committee now move back to the amendment to insert a new heading.

**Mr McEWEN:** I move:

Page 9, line 3—Leave out this heading and insert:

**DIVISION 1—CONSTITUTION OF COUNCIL**

Amendment carried; clause as amended passed.

Clause 21.

**Mr McEWEN:** I oppose this clause because it is contrary to the amendments that have been carried.

Clause negated.

Clause 22.

**Mr McEWEN:** I move:

Page 10, line 2—Leave out 'constitution of the council, and the division of the area of the council into wards,' and insert:  
composition of the council, and the representative structure of the council,

Amendment carried.

**The Hon. M.K. BRINDAL:** I move:

Page 10, line 8—Leave out 'with' and insert:  
and

This is purely a technical amendment to correct subclause (4) so that it reads 'between the Minister and the council' rather than 'between the Minister with the council'. It is just an error of drafting.

Amendment carried.

**Mr McEWEN:** I move:

Page 10, after line 13—Insert:

(6a) The Governor may, following a review under this section, exercise any power in relation to the composition of the council, or the area of the council, that the Governor can exercise pursuant to sections 10 or 11 of the Local Government Act 1934 (without the need for compliance with any other requirement under part 2 of the Local Government Act 1934).

Amendment carried.

**Mr McEWEN:** I move:

Page 10, line 15—Leave out ‘section 20 or 21’ and insert:  
this section

Amendment carried; clause as amended passed.

Clauses 23 to 32 passed.

New clause 32A.

**Mr CONLON:** I seek to move the amendment standing in the name of the member for Spence.

**The CHAIRMAN:** The member for Elder will need to write out that amendment in his own name. It is not possible to move it on the part of the member for Spence.

**Mr CONLON:** I move:

Page 15, after line 6—Insert:

Closure of streets, wards, etc. running to boundary of city

32A. (1) If the council passes a resolution under section 359 of the Local Government Act 1934 that would have the effect of a prescribed street, road or public place being closed (whether wholly or partially) to vehicles generally or vehicles of a particular class—

- (a) for a continuous period of more than six months; or
- (b) for periods that, in aggregate, exceed six months in any 12 month period,

then—

- (c) the council must immediately send copies of the resolution to the Presiding Members of both Houses of Parliament; and
- (d) the Presiding Members must ensure that copies of the resolution are laid before their respective Houses; and
- (e) the resolution is subject to disallowance by either House pursuant to a notice of motion given within 14 sitting days after a copy of the resolution is laid before the House; and
- (f) the resolution takes effect—
  - (i) if no notice of motion for disallowance is given within the period under paragraph (e)—when that period expires;
  - (ii) if such a notice of motion is given—when the motion is defeated or is withdrawn or lapses.

(2) In this section—

‘prescribed street, road or public place’ means a street, road or public place that runs into the area of a council other than the Adelaide City Council, or that runs up to the boundary of the City of Adelaide.

This is the amendment sought with so much passion, wisdom and discernment by the member for Spence, and it reflects far more the egalitarian spirit of Australia than the current situation that obtains with regard to Barton Road. This measure has been foreshadowed, it has been talked about and it has been close to the member for Spence’s breast since Barton Road was closed nine years ago.

*An honourable member interjecting:*

**Mr CONLON:** When was it closed?

*The Hon. M.H. Armitage interjecting:*

**Mr CONLON:** Five years ago? It has been close to his heart since then, and for very good reasons. I will not begin to traverse all the ground covered by the member for Spence, except to say that the honourable member indicated just how much ground one must traverse to travel from where he lives to—

*The Hon. M.H. Armitage interjecting:*

**Mr CONLON:** The member for Adelaide, Lord Armitage, is going to tell us how wrong we are, as he did previously. We did not believe him then and we are not likely to believe him now. The truth is that I do not live where the member for Adelaide lives. I live in the south-western suburbs but I have travelled through that area and, for all the specious arguments that will be thrown up by the member for Adelaide, it is simply true that there are very few points of access to that part of the city. There seems no reason for the closure of Barton Road. I find now that I will not speak for as long as I had intended, and I stand by everything I have said.

**Mr FOLEY:** I have been searching all night for a reason to justify what we are doing with this City of Adelaide Bill.

Perhaps I now find something: my colleague the member for Spence might have been here on time had he been able to push his bike up Barton Road.

*Members interjecting:*

**The CHAIRMAN:** Order!

*Mr Atkinson interjecting:*

**The CHAIRMAN:** Order! The member for Spence will have an opportunity to speak at an appropriate time. The member for Hart.

**Mr FOLEY:** Nothing has illustrated the issue of Barton Road better than events tonight because, as I understand it, the member for Spence had to rush to his electorate office to undertake some very important constituency work. Because the honourable member was unable to travel from point A to point B, that is, from his electorate office to Parliament House, by the quickest route, he had, because of the member for Adelaide and other notable ex-members of Parliament who live in that area, to take the long route to Parliament House, and for that he has lost nearly eight minutes. In terms of the productivity of MPs alone, the opening of Barton Road is a very important issue.

*The Hon. G.M. Gunn interjecting:*

**Mr FOLEY:** He would, because he could not get up Barton Road either. I appeal to the Government to agree to the opening of Barton Road for no other reason than that, when I take the member for Spence home, I will not be guilty of a traffic offence as, from time to time, we have tested the law in respect of Barton Road.

*The Hon. M.H. Armitage interjecting:*

**Mr FOLEY:** I said ‘tested’; I did not say that I did it. I turned off—

*Members interjecting:*

**Mr FOLEY:** I said ‘tested’. It is important for—

**The Hon. M.H. Armitage:** Why are you blushing, Kevin?

**Mr FOLEY:** I have already told you that before. It is no secret. We toot our horn as we go past your house and Chris Sumner’s.

*Members interjecting:*

**The CHAIRMAN:** Order! Can we cut out the conversations between members. The member for Hart will proceed with his contribution to the Committee.

**Mr FOLEY:** Nothing typifies the elitism of North Adelaide and the activities of the Adelaide City Council better than the Barton Road issue. I support the member for Spence in his endeavours simply to have open a road that should be available to all people in this State to access the city. It is commonsense. It is a piece of public infrastructure and should be available to all and not just the elite of North Adelaide.

**The CHAIRMAN:** Before I call on the member for Spence, I point out to members of the Committee that this amendment contains a typographical error. I presume we are referring to the closure of ‘streets, roads, etc.’ and not ‘wards’. I think that we have already closed the wards.

**Mr ATKINSON:** Unless this amendment is passed, the State Government will continue to lack any authority to act in the public interest to review the closure by the council of access points to the city. Under section 359 of the Local Government Act, Adelaide City Council can close any road it owns. When section 359 was included in the Local Government Act in 1986, it was meant to be for temporary closures or restrictions only and it was headed ‘Temporary closure of streets or roads’. Both Government and Opposition speakers—and one Opposition speaker included the member for Adelaide’s sister-in-law—told the Parliament that it was

a provision for temporary control of traffic or temporary closure of a road.

So, when the Christmas Pageant is due, council passes a resolution providing for the streets along the route of the pageant to be closed for the duration of the pageant and for a reasonable time before and afterwards. If road works are to be done, a section 359 resolution is passed by the council to close the road, or part of the road, temporarily while those road works are completed. These notices in the *Government Gazette* are headed 'Temporary closure'. In 1986, when the section was last considered by Parliament under a Government Bill, the clause notes read:

Clause 27 amends section 359 of the principal Act so as to allow part only of a street, road or public place to be closed on a temporary basis.

**The Hon. G.M. Gunn:** Who was the Minister who moved that?

**Mr ATKINSON:** The Minister for Local Government, in response to the member for Stuart's question, was the Hon. Barbara Wiese.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** A year after the amendment went through.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** The year was 1987—during a Labor Government. It was an initiative of the Adelaide City Council which, as we have heard, is far from controlled by the Australian Labor Party. We have heard from the member for Colton that the preselections for the Adelaide City Council are done by the Liberal Party. But it was an initiative of the City Council during the time when Labor was in office. I think that, with respect to this matter, the Hon. Barbara Wiese has a lot to answer for.

*An honourable member interjecting:*

**Mr ATKINSON:** I did rather a lot, actually.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** I did much, as you know. It was the intention of neither—

*The Hon. M.H. Armitage interjecting:*

**The CHAIRMAN:** Order!

**Mr ATKINSON:** The member for Adelaide asked what I did. I started speaking in this place on the Barton Road issue in 1990. The first time I spoke about it, the honourable member rushed over to my side of the Chamber and said, 'How dare you talk about places in my electorate. How dare you. I'll start talking about places in yours.' So, as far as the member for Adelaide was concerned, I was not even permitted to talk about Barton Road in 1990. I was very critical of Minister Wiese for her neglect after the Surveyor General and the Minister of Lands decided that the closure could not be justified on traffic management or any other grounds.

The City Council's application came under the Roads (Opening and Closing) Act. On the only occasion when this closure was subject to due process, good reasons were given and a decision was made by the Government not to close the road, and that is why I am talking about section 359. The only time the Barton Road closure was subject to scrutiny by the appropriate authorities, namely, the Surveyor General and the Minister of Lands, they refused the closure. They said it was wrong and would not permit it. So, we are talking about section 359 because, after the Labor Government, on the advice of the Surveyor General, refused the closure on traffic management or any other grounds, it was pitched back to the City Council, which passed a temporary closure resolution. My criticism of Barbara Wiese as the Transport Minister in

1993 is that she did nothing until it was too late and we were almost into the election period. But I have been distracted from the main game.

In the debate on this provision when it was introduced to the Local Government Act, it was the intention of neither the Government nor the Opposition that the section apply to anything other than temporary closures, and the Minister said so in the second reading speech. The Opposition spokesperson, who is related to the member for Adelaide and who is now the Minister for Transport—and listen to this; read, mark and inwardly digest, member for Adelaide—said:

A further amendment to section 359 is to close public pathways and walkways on a temporary basis.

The Hon. Diana Laidlaw went on to say that the amendment related to street fairs and the like. It has been an 11 year street fair in Barton Road, because it is still closed. I wonder when the pageant will go through and we can open it again. Section 359 of the Local Government Act, at which my amendment is directed, was never designed for the permanent closure of roads and, if misused, its effect could be to discourage thousands of Adelaide people from the suburbs from using the city and North Adelaide or to make it unreasonably difficult for them to have access to the city. There is an Act of Parliament that deals with permanent road closures, and it was passed as recently as 1991. It is called the Roads (Opening and Closing) Act.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** No, the Roads (Opening and Closing) Act was passed in 1991—and I am glad that the adviser is now correcting the Minister about his unfortunate interjection. The Roads (Opening and Closing) Act was passed in 1991 and the council, having had no lawful authority for the closure of the road in 1987, and being defeated in the Supreme Court on the question of whether the road closure was justified, then resorted to the new Act to try to close the road, and, in that due process, was told that the road should not be closed because there was no justification for it. So, that is the timetable, and it was only after that decision by the Surveyor-General under the Roads (Opening and Closing) Act that the council then misused this provision of the Local Government Act, which was clearly never intended to permit permanent closures of streets or roads.

So, under that 1991 Act, the Roads (Opening and Closing) Act, let us say that the council wants to close one of its access roads through the parklands: the City Council gives notice of its intention in the public notices section of a newspaper circulating in the district; it then invites adjacent land-holders and people who have an interest in that public road to make representations (either written or oral) to the council about the proposed closure; and the council has to have a hearing about the matter at a duly constituted council meeting where members of the public can have a say about the value of that road. Having done that, if the council votes to close the road, it sends the resolution to the Minister for Environment. The Surveyor-General studies the proposal, advises the Minister, and the Minister then makes a decision. The State Government then takes final responsibility for whether or not a road is closed, and that seems to me, given that public roads are such an important public asset, a fair and good procedure. I support that. The vast majority of closures under the Roads (Opening and Closing) Act are uncontroversial, and zip through the process rapidly and with little cost.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** No, I am not saying that there are any illegal closures under the Roads (Opening and Closing) Act. If a council goes through the Roads (Opening and Closing) Act procedure and the Government authorises the closure, that is due process and I will accept it. If that happens in respect of Barton Road, I will accept it: I will acquiesce in it because due process has been followed. But as to the Minister's interjection, under section 359 of the Local Government Act there is no such due process: council can close a road by resolution. Barton Road has been closed permanently with no due process and no natural justice but simply by a resolution by a majority of the Adelaide City Council, and that is why I am so angry about it.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** No, the Minister is right: the Barton Road closure is not the only one. The closure of the Silkes Road ford between the Tea Tree Gully council and the Campbelltown council is exactly the same situation. But I will come to that during debate on the local government Bill later in the week, because there will be a replay of this if I lose tonight.

If the Adelaide City Council wants to close Melbourne Street or Bartels Road or Unley Road at the parklands or Sir Lewis Cohen Avenue, it ought to require a lot more than just a resolution of council pursuant to section 359. Council ought to go through the procedures of the Roads (Opening and Closing) Act, and that is what my amendment achieves. I see the member for Gordon nodding, and I presume from that nod that I have his support. We hope that this clause will go through.

I proposed an amendment such as this by a private member's Bill in 1995 and again by a proposed amendment to a Government Bill in 1996. It is not as if the House has not seen these proposals before—although then the Government had a 36:11 majority with which to swat them.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** I was not in Government: I was the most junior backbencher in the Government.

**Mr Foley:** We ignored him.

**Mr ATKINSON:** He is right: they did. He worked for the Premier.

**The CHAIRMAN:** Order! I remind the member for Spence that he has about another two or three minutes to go.

**Mr ATKINSON:** The Government speaker on that Bill at that time was Sam Bass, the member for Florey. He said:

... the Minister of Transport and the Minister of Local Government Relations consider that action should be taken to review the provisions under section 359 of the Local Government Act.

So, there is a Government member, speaking for the Government, agreeing with me. He continued:

The review will enable the concerns of the member for Spence to be examined, particularly in regard to the issue of public notice where long-term vehicle exclusion is contemplated and to the need for dispute resolution procedures where other councils are affected.

So, there is the Government agreeing with me. It is three years and two weeks since the Government promised the review, and yet nothing has happened. And now, with a Local Government (Miscellaneous) Amendment Bill and the City of Adelaide Bill before us, it is time. I ask the House to pass this modest amendment for the good of the great majority of South Australians who travel by car, bicycle or bus. It is our capital city too.

**The Hon. M.K. BRINDAL:** The member for Spence made some very good points about roads that are the boundary between two council areas. But I ask members to

consider what we are doing in this Bill. This Bill is about 'those parts of the city', and the undertaking given by this Government, both to the Corporation of the City of Adelaide and to the local government sector generally, is that in this Bill we would deal with that which is specific to the special nature of the city.

I acknowledge that the member for Spence has a fetish about Barton Road. It has been a consuming passion of his, one might almost say an all consuming passion of his, so long as I have known him. He defies the police and he rides up it in all sorts of states and at all sorts of times—

*Members interjecting:*

**The Hon. M.K. BRINDAL:** And disguises, as the Deputy Leader tells me. I acknowledge that there can be a problem with a closure of roads where it affects two councils. The member for Spence pointed out that the Silkes Road ford is a very good and very recent example of exactly the type of problem that he is trying to highlight, where section 359 has been used to effect a permanent closure where it was never intended, under that section of the Local Government Act. The member for Spence pointed to some previous contributions of various Government members and said that it is a matter that the Government should examine. So, I look the honourable member in the eye and say: yes, it is a matter that the Government should look at. But this is—

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** No—this is not a matter specific to the City Council. If we look at the issue of roads where two councils are adjoining, it must be looked at in that context, and that rightful context is the Local Government Act review. It is no good this Parliament passing one set of values for the city and another set of values for the Local Government Act. So, if the argument of the member for Spence has merit—and I believe that it at least has the merit of serious examination—it must be looked at in the context of the Silkes Road ford and every situation involving adjoining roads, bridges, or whatever, between councils.

The member for Spence's amendment is quite clever, because he points out that it does not affect road closures—in fact, permanent road closures—that were enacted within corporation boundaries. I believe that my own council, the City of Unley, used section 359 to effect quite substantial permanent closure of roads within the Unley council area. The member for Spence's amendment does not propose looking at that situation. The Government does. The Government says that this is a serious matter and it should be looked at. The Government proposes that, under the Local Government Act, we should look at this matter and, as a general proposition under the Local Government Act, matters dealing with roads should be put into appropriate legislation dealing with roads and matters dealing with health should be put into appropriate legislation dealing with health, so that we do not forever come up with the sorts of anomalies that the member for Spence is rightly bringing to the attention of this House—today and for the past five years.

So, I say to him, as part of the comprehensive review of the Local Government Act, the consultation draft local government Bills and discussion papers are out for public consultation. In those papers it is clearly outlined that it is the Government's intention to transfer the parking and traffic control provisions from the Local Government Act in conjunction with a review of the transport legislation which is also currently occurring.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** I have not gone soft on this. I have told the honourable member that I can see some merit in his arguments, but this is not the vehicle for debating that merit. As Minister for Local Government, it is a matter not just for the City Council but for councils such as Tea Tree Gully, Campbelltown, the Corporation of the City of the Adelaide and the City of Charles Sturt—

*Mr Atkinson interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.K. BRINDAL:** With respect to the provisions relating to the exclusion of traffic for traffic management purposes, it is proposed that these should be covered—and I thought the member for Spence would support this—under the Road Traffic Act in a way which gives council the power to restrict or exclude traffic on a trial basis for up to six months after appropriate community consultation, including any other council that may be affected. Where controls are to be in place for a longer period, it is proposed that public consultation and approval of the Minister for Transport and Urban Planning be required. This is a proposal out for consultation.

The member for Spence is now impatient. He was patient for the entire term of the Labor Government that really did not achieve anything. He has been patient for the last four years, and now all of a sudden it is immediate. All I can say to him, if he is patient for a while longer, is that it is a matter that rightfully should be looked at. Generally speaking, major road closures are the subject of discussions between Transport SA and the council concerned in relation to road network planning issues.

An effect of the amendment is therefore that appropriate planning-based discussions between the Minister and the council could be overturned and an alternative planning decision effectively forced upon the transport network. Parliament, of course, has this power, but the responsibility involving the planning network actually lies with the Commissioner of Highways, subject to the approval of the Minister for Transport and Urban Planning.

In summary, the Government opposes the amendment within this Bill, simply because this is not the place to discuss this issue. The place to discuss it is in the context of the Local Government Act.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** The member for Spence says 'Tut, tut!' I said to him that it will get serious consideration within that Act. I do not think it is a bad proposition in theory but it needs to be tested. It needs to go to transport and to councils, and it really does need the local government sector to consider it. I acknowledge that the member for Spence is capable of having a good idea. We all are in here. But, as members of Parliament, we all need to have those ideas tested before they are put into law. We acknowledge that the member for Spence has been patient. We just suggest that he waits a little while longer.

**Mr ATKINSON:** If the Government is sincere about the City of Adelaide Bill enhancing access to the city for those who live outside the parklands, and if the Government really wants us to come to the city to work, shop and play, it will have to do something about the gradual closure of access points to the city by this North Adelaide dominated council. It is the council that has closed Beaumont Road in the south east, North Adelaide Station Road in the north west, went within one vote of closing War Memorial Drive in 1994, and has plans on its books to close Jeffcott Street.

There is nothing in the Local Government Act that will force the Adelaide City Council to go through the process of consultation with the State Government and the people living outside the parklands before the council closes permanently any of its access roads. The amendment before the Committee forces the council to submit to both Houses of Parliament a resolution closing one of the access roads. I do not see anything wrong with that.

The reason we have a City of Adelaide Bill is that there are aspects of the City Council that make it different from every other council in the State. If it were not so, we could rely on the Local Government Act alone, but the City of Adelaide is different, and I put to the Committee that one respect in which it should be treated differently is in respect of access roads and council's closure of those roads. It is one thing for a suburban council to pass a mere resolution closing a road within its area under section 359 of the Local Government Act, but it is quite another for the City Council in charge of a central business district in a capital city to close an access road such as Barton Road or Jeffcott Street servicing much larger councils outside the parklands such as the City of Charles Sturt and others such as Norwood, Payneham and St Peters, Prospect, Unley and Burnside. There is the world of difference.

I really do not understand the Minister's logic. He has come in here saying how the City of Adelaide is special and how we have to have special provisions, and now he squibs it when it comes to just one little thing that would put the brakes on the member for Adelaide and his mates closing War Memorial Drive and Jeffcott Street. Imagine the chaos if the member for Adelaide were allowed to close these roads. He has closed enough already, without closing them as well.

The Lord Mayor, Jane Lomax-Smith, tells us how splendid Adelaide is, and she is right. Our capital is unique, and there is much to enjoy in the City of Adelaide. One of the really great things about Adelaide, one of the things I missed when I was studying for six years in Canberra, is that nearly everyone in the metropolitan area uses the City of Adelaide at some time. If you live in Canberra, people just live out in the outer suburbs, like Flynn, Belconnen or Woden Valley, and they have no reason to come into the Civic Centre in Canberra.

Similarly in Sydney, there are shopping centres as big as Adelaide at Chatswood in the north and Parramatta in the west. In fact, when you are flying over them in the plane, you think you are in the central business district, but they are just suburban shopping centres. If you live out in the sticks in Sydney, you never come into central Sydney to use it. You do not really live in Sydney: you live in Parramatta or on the North Shore. One of the good things about Adelaide is that people come from all of the suburbs into Adelaide to work, shop and play, and that is a hell of a good thing. It is sad that it has been falling off of late, and we ought to sustain it and do something about it. This amendment is about doing that.

Certainly, so far as my electorate is concerned, western North Adelaide is important in the daily routines of the people who live in Ovingham, Bowden, Brompton and the western suburbs generally. Our children attend St Dominic's Priory school or North Adelaide Primary School. Some of us shop at the O'Connell Street Foodland, or eat and drink in the cafes in O'Connell Street. Some of us use Calvary Hospital or visit people in the Mary Potter Hospice; others use the Red Cross or the Helping Hand Centre. Some worship at St Laurence's Catholic Church, drink a schooner at the

Caledonian Hotel or have doctors, specialists and dentists whose consulting rooms are in that part of the city.

We use Barton Road to get to those places. Because Barton Road is closed, it is very hard for us to get to those places now. Indeed, many of us have just dropped that part of North Adelaide off our daily routine. We have a kind of apartheid now between western North Adelaide and Bowden and Brompton. It is a bit like Johannesburg and Soweto. It is an apartheid set up by that man there for his own benefit. It is a disgrace and something ought to be done about it.

This clause 32A does not apply to Barton Road because Barton Road has got through. The question is: will you let this man close War Memorial Drive? Will you let him close Jeffcott Road and Jeffcott Street, as his own factional mates have on their plan for the next few years in the city and North Adelaide if they can get away with it? How many other access roads will they close, such as Bartels Road, Wakefield Road, Medindie Road? They have closed Beaumont Road and North Adelaide Station Road. How many more will there be?

This clause is about the future and whether you will let him get away with it. He may get away with it, but at least those resolutions have to be laid before both Houses of Parliament, and people who live outside the parklands will have an opportunity to have a say. It won't just be the North Adelaide Society deciding what the access roads will be.

This small section of Barton Road, which used to take us directly to where we needed to go, is still there on the deposited plan as a public road, and the Surveyor General in a formal adjudication under the Roads (Opening and Closing) Act told the council in 1993 that there was no justification, traffic management or otherwise, for its closure. Members may ask how on earth a capital City Council in a democratic rule of law western country could make such a decision as this. It seems more like the politics of a village in a feudal or class ridden society that reserves certain places for the upper classes and asks the others to use the tradesman's entrance. I think the Committee will understand it better if I mention that among the small number of people who petitioned the council for a so-called temporary closure under the Local Government Act are the names of lawyer Michael Abbott and property developer Theo Maras.

The Barton Road decision typifies what is wrong with the Adelaide City Council and what the Minister is trying to fix with the City of Adelaide Bill. Judged by the number of electors, the council is one of the smallest in metropolitan Adelaide, yet judged by the revenues generated by the CBD it is one of the biggest. Why does it have so much revenue? The answer is because those of us who live in the suburbs and country areas of South Australia go to the city to work, shop and play. Do we have any say in its decisions such as its rating policy, its electoral arrangements and its road closures? No, we do not. I have outlined the history of the Barton Road closure in the briefing paper on Barton Road that I have distributed to members of the Committee who are likely to vote for my amendment.

I shall not repeat what I say in that paper and what members of the previous two Parliaments have heard many times before. Suffice to say that, if the Barton Road to Hill Street route were open to the two way movement of private motor vehicles and pedal cycles—yes, this bloke banned pedal cycles by resolution; I do not know whether it is the noise or the emissions of my bicycle that are offending him so much, but the resolution under 359 bans pedal cycles—the traffic using it would be almost exclusively local and amount

to less than 3 000 movements a day. This is a road in a capital city, a road as wide as the South-Eastern Freeway and a road which is currently so empty that a cannon can be safely fired across it at most times of the day. I urge the Committee to support the amendment so that no longer can the council of our capital city close permanently access points to the thousands of people who live outside the parklands without having to go through a genuine consultation process.

They can close them if they want to, but they have to go through the consultation process and they have to lay it before both Houses of Parliament. If a road closure can go through the process and be upheld, well let it be closed. I will accept that; I will accept fair play. Road closures in our capital can no longer be left to a resolution passed by a simple majority of City Councillors, most of whom are beholden to a small number of North Adelaide residents who cast votes in triennial council elections. The people of South Australia should have a say in these road closures through their State Government.

**The Hon. M.K. BRINDAL:** I feel disappointed at the member for Spence's contribution that he has just made to the Committee. I acknowledge the passion that he feels about this matter, but I point out to him that the member for Adelaide has not closed one single road. As far as I am aware, the member for Adelaide has never been a member of Adelaide City Council. He was elected to this House in 1989. The member for Spence tells me that the road was closed prior to 1989, so the member for Adelaide is heaped with all this opprobrium for what reason? Because it is the member for Spence's passion. One thing that the Committee should understand is this: I remember that there was another road not so long ago which used to run almost from the intersection of Fullarton Road, Greenhill Road into the south-eastern corner of the city—

**Mr Atkinson:** Beaumont Road.

**The Hon. M.K. BRINDAL:** The member for Spence informs me that it was Beaumont Road. That has been closed and presumably, according to the member for Spence, all those people, those silver tails who live in the eastern suburbs and the near eastern suburbs, were inconvenienced by that closure—or some of them were at least—and no-one is running to the barricades and screaming class warfare or anything such as that. The two roads are mirrored in different quadrants of the city. There is a fuss about this because of the member for Spence. The member for Spence has turned this into a cause celebre and made it a personal vendetta against the member for Adelaide. I do not think—and it should be on the record—that the member for Spence is fair to the member for Adelaide or to North Adelaide residents in the way in which he portrays this debate.

In terms of roads which join council areas, the Government has admitted that that matter needs to be addressed, and the vehicle to address it is the new Local Government Act. We vary on only one issue; that is, where to address this issue. It is an issue that concerns any council that adjoins any other council. It is not a unique issue for the City of Adelaide. I understand the member for Spence's passion. What I do not understand is how in his passion he would twist the debate to reflect adversely on my colleague the member for Adelaide, who is not at fault. If the member for Spence waits a few months, the House can look at this matter sensibly and sanely and resolve it to the betterment of local governance throughout Adelaide.

**Mr HANNA:** The member for Spence has spoken passionately, extensively and I would say absolutely accurate-



ly in relation to the Barton Terrace example. I have looked into the matter and there is no doubt that when section 359 of the Local Government Act was passed through Parliament some years ago the intention was for it to provide for temporary road closures, and indeed when the legislation was printed at the time the description of that section clearly specified that it was for temporary road closures. However, since the reprint of the legislation that description of the section was taken out and, as history shows, local government has seized upon it as an easy and cheap way to close roads rather than resorting to what I would call the proper process of the Roads (Opening and Closing) Act when they want to close roads permanently, as has happened in Barton Road.

I support the amendment not only because the member for Spence is absolutely right about the access from the western suburbs to North Adelaide (and vice versa) in relation to Barton Road but because the amendment is general in its application. There is something special about the City of Adelaide. There needs to be protection to ensure access for residents from all around Adelaide to the centre of the city. It just so happens that the biggest problem area at the moment is in relation to Barton Road because of those residents who live immediately to the west of it.

I entirely support the amendment. Although the Minister says that an amendment such as this could be moved in respect of the local government Bill, which will come before Parliament later this year, I do note that it may well be the ideal position that we let other suburban councils carry on with what they are doing, even though, as a matter of principle, I do not think that a section of the Local Government Act should be twisted to allow things which it was not originally intended to do.

However, leaving that aside, there is something special about the City of Adelaide, and this Parliament may well decide that there should be such a provision in respect of access to the City of Adelaide vis-a-vis the suburbs but not so much in relation to other suburban areas. Therefore, it is appropriate for the member for Spence to move the amendment in relation to this Bill because the critical case in point is the City of Adelaide, and the fact that it would solve the Barton Road problem is incidental to that.

**Mr CLARKE:** I support the amendment moved by the member for Spence. Yes, the honourable member is being particularly passionate about a subject which he has been passionate about for a long period. The Minister suggests that he should be even more patient and wait until this Parliament deals with the review of the Local Government Act which the Minister will bring in some time in the future. I suggest that the member for Spence is quite right in trying to get this amendment through at this juncture because—and I am not doubting the Minister's sincerity; I am simply saying that we know how the system works—if you miss an opportunity to press home what you might see as an advantage to your constituents, you will lose it for all time.

It is most appropriate, as the member for Mitchell pointed out, that we are dealing with the City of Adelaide Bill in particular at this point. I am not as passionate as the member for Spence, but then my electorate does not run alongside that particular road, as his does. Nonetheless, not only I but a number of other people of whom I am aware have been inconvenienced in no small measure by the road closure. This is the problem with the Adelaide City Council of old which, I hope, will be fixed up as a result of this legislation, particularly given the amendments we passed earlier ensuring that there will not be wards for Adelaide City Council.

Just about every councillor and Lord Mayor I have spoken to over the past few years has said that they favour reopening Barton Road, they never really wanted to close it in the first place, but certain North Adelaide residents put undue pressure on those ward councillors, Lord Mayors and aldermen to vote in support of it, because they were able to threaten those members of the Adelaide City Council that they would campaign against their re-election if they dared to do the right thing, that is, to reopen Barton Road.

All I can say to members of the North Adelaide Residents Society is that their arrogance, not only on this issue but on others involving road closures—and I have mentioned Stanley Street, MacKinnon Parade and Kingston Terrace, to name but three—has just cost them 45 per cent in their rate rebates. Was it worth their arrogance to go about willy-nilly closing roads that they did not like people who lived outside North Adelaide using to go to places such as Calvary Hospital, Saint Dominic's school and various other places within North Adelaide? They wanted to inconvenience those people. The members of the North Adelaide Residents Society have now got their comeuppance: they do not have their wards and they will lose their 45 per cent rebate, whether it be in three years or five years. But they will lose it.

That is because at the end of the day, as I warned the residents of North Adelaide and, in particular, members of the North Adelaide Residents Society, you can push people only so far and it will boomerang and cost you a lot in the long run. The member for Spence is simply asking that a small piece of road be reopened. It is not unreasonable, and the fact of the matter is that, if you live in an inner city suburb, you can expect significantly more traffic going through it than is not local traffic by virtue of the fact that you are right up against the CBD, where so many people work, play and generally enjoy themselves and help to generate wealth within our capital city. That is the price you pay for living within a 10 minute walk of North Terrace. And people are happy to receive the benefit of the capital gains in terms of the value of their property or the rent returns they get for their business or commercial properties within North Adelaide. It happens to attract traffic.

The Minister would say, 'The Government will address all this when the local government Bill finally comes before the Parliament.' It will not. It might prospectively but not retrospectively, and I will lay London to a brick on that. I am not arguing with the member for Adelaide: he is doing the bidding, as he should, in one sense, being a representative of a number of constituents within North Adelaide who do not wish to have additional traffic down their streets. He is representing their interests; that is his right. I just say to the member for Adelaide and to the Minister that this Parliament has a greater responsibility than a few hundred residents in North Adelaide with respect to the rest of the community who want to be able to move relatively freely in and around North Adelaide and to the business districts of the City of Adelaide generally.

This has been brought about by absolute intransigence on the part of members of the North Adelaide Residents Society. They are just pig-headed on these matters, and they have got away with it for 10 years under Governments of both political persuasions. Both political persuasions have caved in for various reasons to the political pressure of the North Adelaide Residents Society. They have had 10 good years, and now we want to rip it off them and pay them back. And they are being paid back at a fairly hefty cost, with interest, I would have

thought. The more a few of them accost me in restaurants, as they did last night, the more I enjoy voting to make sure they do not get their 45 per cent rate rebate, and instead of a three year staging-in process I would knock it off straight away, just to warm the cockles of my heart. But this is the type of arrogance I have got used to from some members of the North Adelaide Residents Society.

In conclusion, whilst the member for Spence from time to time may seem to some people inordinately passionate about Barton Road, it is not so much Barton Road *per se* but the absolutely insufferable arrogance of a handful of residents who do not want my motor vehicle to travel down Barton Road when I find it more convenient; or a bicycle for children to travel up through to Saint Dominic's; or to make it a bit easier for people to visit their relatives or friends at Calvary Hospital. The point is that they do not want to do it with just this road: they want to do it with other roads as well, because they do not like interlopers travelling through their streets. Unfortunately, as I said earlier, the fact is that North Adelaide is a prime bit of real estate. Residents do very well on capital gains and very well on their rents, and they do not mind the interlopers coming to spend money in their business community, but heaven help us if we want some car parking.

With respect to the Le Cornu's site, they got in league with the Foodland group in North Adelaide Village to stymie the development of North Adelaide, because they did not like traffic. But they are quite happy to have O'Connell Street developed with restaurants and the rest of it, so that they can walk around and enjoy the ambience of the area, but the rest of us have to commute there by car. We might as well go and park in North Terrace, it is just as easy, because of the various traffic restrictions. The development of the Le Cornu's site would have been accompanied by off-street car parking, which could have been utilised at night by various people using that area. I say to the Minister: the member for Spence has been patient for 10 years. How much longer must he and others wait?

The local government Bill, quite frankly, will be prospective in operation, if the Minister addresses this matter at all, not retrospective, because the member for Adelaide will once again roll the Minister in Cabinet, whatever the Minister's personal views—and I do not doubt the Minister's sincerity—because at all costs the members of the North Adelaide Residents Society must be appeased, despite the inconvenience to the rest of the community.

**The Hon. M.K. BRINDAL:** First, I would like to make sure that the record shows that the Government and, I am fairly sure, the member for Colton and the independent members dissociate themselves from a speech that sounds more like churlish vindictiveness and petty revenge than consideration of the needs of the capital city or of people visiting the capital city. I hope that when I read the record it does not show as I thought—wrongly, I trust—that the member for Ross Smith said that this is time to get even and we are getting them with knobs on. That is not the way any South Australian has a right to expect his or her members of Parliament to act: like vindictive little kids who have had their sweets taken away from them. I would publicly dissociate every member on this side of the Committee from that, whatever the member for Colton's views and whatever the independent members' views. I believe from my discussions with them that their ideas are based on the need for the best governance of the city, and not some sort of petty, vindictive revenge.

Of the North Adelaide Society let me say this: I had a number of meetings with members and some were fairly frank, but they were honest and open and at the end of the day the North Adelaide Society has been more than reasonable in its approach to this Bill and to some of the concessions it was prepared to make. At no stage did they discuss with me any aspect related to the matter of the closure or opening of Barton Road. We have it here before us because it is an issue for the member for Spence.

The member for Mitchell commented that perhaps there should be one rule for the city and one rule for the others. I acknowledge that—it is the point of having this Bill—but the point I was trying to make and I reiterate to the House is that some of those other closures are more profound, more important and less capable of being affected by this Parliament than this closure.

The member for Spence and others are probably aware of the Silkes Road Ford. It cost the Government a considerable amount of money to adjudicate that matter. We now have one council set to take another council for the costs because one council quite clearly wanted to alienate other ratepayers from coming through. I do not know with which tribal land the members for Ross Smith and Spence have been dealing because they quote all these western suburbs people flocking up the hill to attend church, which is very laudable, although I think there are Catholic parishes in the western suburbs.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** No. The one that interested me very much was all the people coming up to Calvary Hospital. I understood that one of the major problems with the health system is the number of people who are no longer in private health insurance, so the number of people going from the western suburbs or any suburbs to hospitals such as Calvary is ever diminishing and is another severe problem for us to look at in terms of the provision of health.

*Mr Clarke interjecting:*

**The Hon. M.K. BRINDAL:** The member for Ross Smith says that I have fallen for the North Adelaide clique. No such thing. We are told daily about the problems of our public health system because people are not using our private hospitals. Having said that on one day, repeatedly with questions to the Minister responsible for health, members opposite now come in and try on another argument. I say to the member for Spence that it simply does not wash; neither does the diatribe against the North Adelaide Society. Elements of what the member for Spence is saying have merit and are worth examining in the context of boundaries between adjoining local government areas.

*Mr Hanna interjecting:*

**The Hon. M.K. BRINDAL:** We will fix them altogether. For the member for Mitchell, I have given an undertaking to the local government sector that, as Minister, I will introduce nothing in this Bill which can be seen as a precursor and will be forced on local government later. I intend to honour that promise. If the Parliament chooses to do otherwise, I will at least look local government in the face and say, 'The Labor Party chose to foist this on you, and you had better be careful because this is one of the indicators of the sorts of things it will do to you if it ever gets into government.'

**Mr KOUTSANTONIS:** I am shocked that the Minister actually remarked that he did not think people from the western suburbs were flocking to Calvary Hospital because people are abandoning private health care. I assume he meant that people who live in the western suburbs cannot afford private health care because they are from a different class

level than people in North Adelaide. Therefore, they do not need to use Barton Road to go there as they cannot afford Calvary Hospital. I expected more from this Minister. I did not think he was like that: I thought that he was different—not like the North Adelaide set. Given remarks like that—

**The Hon. M.K. BRINDAL:** On a point of order, Sir, I take a strong personal objection to the fact that the member for Peake is putting words into my mouth and I ask him, according to the Standing Orders, to withdraw.

**The CHAIRMAN:** There is no point of order.

**The Hon. M.K. BRINDAL:** There is: I can demand a withdrawal if I take offence, and I take offence.

**The CHAIRMAN:** Order! I believe there is no point of order. If the Minister feels he has been misquoted, he can debate it further. I believe there is no point of order.

**Mr KOUTSANTONIS:** You can make a personal explanation later, Mark.

**The CHAIRMAN:** The member for Peake will refer to the member as 'the Minister'.

**Mr KOUTSANTONIS:** Yes, Sir. I was shocked when the Minister said that, because I thought he was cut from a different cloth from the rest of his Party. I thought we had a Minister who was genuinely interested in the concerns of South Australians, unlike the member for Adelaide, who is using his Cabinet position for the parochial use of the North Adelaide Society.

**The Hon. M.K. BRINDAL:** On a point of order, I quote Standing Order 125 as follows:

A member may not use offensive or unbecoming words in reference to another member. . . if the member referred to takes objection to what he/she considers to be offensive or unbecoming words, the Speaker requests the member to withdraw.

I considered the words used by the honourable member to be offensive and under Standing Order 125 I ask that he withdraw.

**The CHAIRMAN:** Will the Minister indicate which words he felt to be—

**The Hon. M.K. BRINDAL:** If *Hansard* provides me with a copy, I will tell you the exact words. I want them withdrawn.

**The CHAIRMAN:** Order! The advice I have received suggests that the words that have been used are not unparliamentary and cannot be withdrawn. If the Minister wishes to bring the *Hansard* copy to the Chair for further consideration, the Chair is happy to do that.

**The Hon. M.H. ARMITAGE:** On a point of order, Sir, in defence of the Minister, the 'defence' of unparliamentary language is covered in Standing Order 124, as follows:

Members may not use unparliamentary language in the Chamber.

I contend that has absolutely nothing to do with Standing Order 125, which refers to offensive words against the member, and I ask you, Sir, to consider your ruling.

**Mr HANNA:** On a point of order—

**The CHAIRMAN:** The member for Mitchell will take his seat at this stage. If the Minister insists that the member withdraw the comments (and I have already asked the Minister to bring to the table a copy of *Hansard* because the Minister has not been able to indicate to me which words he felt were unparliamentary), the Chair can only ask the member for Peake to withdraw the words that the Minister believes to be offensive.

**Mr HANNA:** On a point of order—

**The CHAIRMAN:** The member for Mitchell will take his seat for a moment.

**Mr KOUTSANTONIS:** I am happy to withdraw the remarks that he finds offensive if he lets me know which ones they are. Do I withdraw all my remarks? Which remarks did he find offensive? It seems that the Minister is playing with the time of this Committee and treating the Standing Orders with contempt. If he wishes to say that I said something unparliamentary—and I wish not to say anything unparliamentary—I am happy to withdraw. He should simply say what he found unparliamentary, and I will withdraw it, but he should not just get up and make a general statement.

**The CHAIRMAN:** Order! There will be no debate on the matter. Is the member willing to withdraw?

**Mr KOUTSANTONIS:** What do I withdraw, Sir?

**The CHAIRMAN:** Order! I request again that the Minister bring to the table a copy of *Hansard*, pointing out very clearly—

**Mr HANNA:** On a point of order, Sir, I ask for your ruling on whether it is proper for the member for Adelaide to challenge your ruling after you had advised the Minister for Local Government.

**The CHAIRMAN:** Order! Any member is entitled to take a point of order, in response to the member for Mitchell.

**The Hon. M.H. ARMITAGE:** On a point of order, Sir, I was not challenging your ruling. I have been a student of Erskine May and the Standing Orders since 1985—

**The CHAIRMAN:** Order! That is an explanation, not a point of order. The member for Peake will continue his remarks.

**Mr KOUTSANTONIS:** If anything that I have said has brought personal offence to the member for Unley, I withdraw those remarks. However, he stated that there are Catholic churches in the western suburbs so there is no need for Catholics to go into North Adelaide. I find that remark very offensive. The Minister wants to go back to a South Australia of no convicts and no Catholics. I find that disgraceful. How can a Minister in 1998 make a remark that, because there are Catholic churches in the western suburbs, there is no need for Catholics to go into North Adelaide? How disgraceful! Will he apologise to Archbishop Leonard Faulkner? I bet he does not.

It would be the same if he said to his constituents who visit St Spyridon's Church in Oxford Street, Unley, 'There are Orthodox churches in the western suburbs. Why come to Unley and ruin the view? Why ring your bells on Sunday?' What is next—no Muslim churches in the CBD because they congregate in the CBD? How disgraceful! I cannot believe that a Minister of the Crown would have the courage and indecency to say that. Who do you think you are to criticise someone's religion or faith? It is unbelievable and outrageous today that a Minister can say that there are Catholic churches in the western suburbs so there is no need for them to use Barton Road. That is outrageous.

A number of my constituents who live in West Hindmarsh, Welland and Allenby Gardens often travel to Calvary Hospital, but they have to take the route that the member for Spence and Bob Francis outlined on talkback radio a few nights ago. They have to go right around past the Newmarket Hotel and up over the Morphett Street Bridge instead of along Railway Terrace into Barton Road. I cannot believe those remarks. The member for Adelaide is looking extremely angry and upset about our upsetting the little—

*The Hon. M.H. Armitage interjecting:*

**The CHAIRMAN:** Order! Has the member for Peake concluded?

**Mr KOUTSANTONIS:** No, I have not, Sir; I have much more to say. The member for Unley seems upset and irritated that people who do not live there visit North Adelaide. No resident of any suburb likes to have a lot of traffic through their suburb, and that is understandable. Residents come to me asking that certain roads be closed. We have to argue that, for the good governance of South Australia, some roads need to remain open. The local community should be consulted and people should be brought together to discuss why a road should be closed or opened. I understand that the Government sometimes has to close roads, and no residents like thoroughfares in their suburb. That is why new developments such as Golden Grove are specifically designed so that only traffic that is designated to go into that suburb does so. There is no through traffic.

I understand what the Minister is going through, but to say that Barton Road is the same as that is just not right. This is exactly what the Minister was arguing against—petty vindictiveness. That is what we have had from some members opposite who want to keep Barton Road closed. They do not want to ruin the so-called view. They do not want cars from the western suburbs polluting North Adelaide and their visual enjoyment. North Adelaide is for everyone, not just for the people of North Adelaide. It is for all South Australians. I do not think there is a person anywhere in South Australia who would deny that North Adelaide is for everyone. So is Torrensville, Thebarton, Lockleys and Kidman Park.

I would be a hero in my electorate if I could close every road leading into a suburb to everyone apart from local residents. I would never lose an election, but I know that for the good of the State we cannot do that. To have people in here with special interests trying to make sure that a road is closed simply because an old, elite group of North Adelaide socialites wants to keep it closed is outrageous. Not only is it outrageous, it is bad government.

**Mr CONDOUS:** This is a difficult decision to make because the people who have purchased their homes in the last 10 years since the closure have the expectation of enjoying a certain level of suburbia because of the road closure. The same can be said about the people who purchased houses around the airport since it was built and who expect the curfew to continue from 11 p.m. to 6 a.m. At the same time, I point out that I represent a western suburbs seat, so whichever way I go—

**Mr Atkinson:** Which side are you on? Are you on your constituents' side?

**Mr CONDOUS:** I am just about to bring that up. If I vote for the continued closure, I will not get abuse from North Adelaide but I will get abused by my constituents.

**Mr Atkinson:** There are a lot of people in North Adelaide who want the road opened.

**Mr CONDOUS:** Yes, there are, and I received a number of faxes today. The MacDonalds wrote to me. Bob Francis is against the closure. Mary Kemp of North Adelaide is against it, and there are more. Dr Maguire is against the closure, as is Shane Nolan. I had a similar experience where I live in Tusmore Avenue, when I was approached by the Burnside residents group which wanted me to sign a petition for the partial closure of Tusmore Avenue or for impediments to create difficulty for people to manipulate the route along Tusmore Avenue between Greenhill Road and Kensington Road. My reply to that group was that, when I bought the block 17 or 18 years ago, I stood on the footpath and watched the amount of traffic going back and forth. I purchased that block of land in the knowledge that it was a through road

being used by mothers taking their children to Norwood High School, Marryatville High School, Pembroke College, the Olympic Sports Field, and to doctors and dentists on Greenhill Road and Kensington Road.

What right did I have to deprive those parents of that movement simply because I wanted to be selfish enough to have a quieter road than the one on which, as I knew, my land was sited? There is one other point that I would like to make. It is not that I do not love my mother-in-law, who lives at Hyde Park, but the Unley council has made it very difficult to drive around the City of Unley. In fact, it is a blooming impossibility. You come to a dead end and then you have to swing a half U-turn and go down the next road. What are we talking about? Roads were built to make it easier for people to get from point A to point B, not to be closed down.

Beaumont Road, which goes past Victoria Park racecourse, used to relieve a fair bit of pressure on the main roads but it was closed for a select few who lived along South Terrace, which now accommodates specialists and hospitals, so we have not really served any purpose at all. In all honesty, we cannot continue to put humps and impediments on roads, close down more roads and stop people from having access from one part of the city to the other. I do not want to vote to open the road, but I have an obligation to about 40 of my constituents who want it opened. One woman from Seaton, which is in my electorate, wrote and said:

Dear Steve, I am writing in respect to closure of Barton Road, North Adelaide. It is my understanding that the City of Adelaide Bill will be considered by the House of Assembly on Tuesday 4 August. . . I travel to and from North Adelaide on a daily basis and I am forced to travel out of my way to get to work. I can see no logical or fair reason why this closure exists, particularly when I witness nearby residents themselves using the closed roadway. In fairness to the general community, instead of pandering to a select few, I urge you to support the reopening of Barton Road.

The next letter, from Mr Przychodzen of Ovingham, states:

I am strongly supporting re-opened Barton Road.

His reasons for so supporting are, first, that otherwise it is against Australian democracy; secondly, it is against the Australian Constitution; and, thirdly, it is against all Australians. I merely ask that all members consider it sensibly and decide what they intend to do.

**The Hon. M.K. BRINDAL:** I object to the honourable member's remarks. I cannot produce those remarks because *Hansard* will take half an hour. I want the record to show that I do not object to any practitioner of any religion praying anywhere. My point is that most people attend parishes. The concept of a parish in a Christian church is normally local worship. As a practising Anglican I use the Cathedral, which happens to be situated in North Adelaide. If I wish to visit the Cathedral I plan to go there no matter by which route nor how circuitous. I object to the member for Peake's implying that, in any way, I sought to fetter the right of people to worship wherever they wish to worship. I object profoundly to that and no amount of apology will make me think less of the member for Peake for making that sort of statement.

**The Hon. M.H. ARMITAGE:** I oppose this amendment. I had intended to go into a long and detailed rebuttal of the remarks made by the member for Spence, but factually the member for Spence did my work for me, because anyone reading the member for Spence's contribution, and particularly anyone who might hear a tape of the member for Spence's contribution, would know that this issue has ceased to be logical in his mind and has become a passion. However, I want to identify one aspect of the member for Spence's

contribution which indicates, in some instance, a degree of either thought blocking or his ability to take whichever argument he chooses, within the space of about five minutes, to suit his particular argument.

In his argument in relation to this clause, the member for Spence said in an impassioned way, 'The City of Adelaide is different.' About half an hour previously the honourable member was shouting as an interjection, 'It is just another council.' I contend to the member for Spence that he cannot have it both ways. He can try but he will get caught. The member for Ross Smith made, I think, an interesting contribution. The point that I found interesting was when, in speaking to this particular clause, he indicated that he had spoken with a number of Lord Mayors and aldermen about this issue and they had told him that they could not do anything about it because of the pressure that would be brought to bear on them in the election.

That is exactly the point that the member for Ross Smith and his Party faithful on his side—although, in his case, they are not so faithful—were using to abolish wards: that you could have a small group of people within Adelaide influencing unduly a ward, and the way to fix these problems was to have a completely city-wide election to choose aldermen in another way. Again, the member for Ross Smith, factually, has argued completely against his earlier arguments. Importantly, in identifying my constituents, the member for Ross Smith said that—and I forget the actual invective he utilised—he did not want to agree with people in North Adelaide who do not wish to have additional traffic down their streets.

That, despite all the waffle that we have heard, is what this particular amendment is all about. It is about the ability of a local council to stop additional traffic coming down the streets within that local council for the amenity of its local residents. I wrote to a number of councils in 1995. In fact, I wrote to every—

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Hart might keep quiet for a minute. I wrote to every council and I asked:

Has your council utilised any form of barrier or road closure leading to permanent and complete road blockage for the purpose of local traffic control?

I received a number of responses from councils that had utilised section 359 of the Local Government Act—the very Act that the member for Spence is saying is so dastardly that we must stop it. I received responses from the councils of Thebarton, Murray Bridge, Salisbury, Port Pirie, Happy Valley, East Torrens-Onkaparinga, Kensington and Norwood (and a number of others where roads were closed but specified as 'other' or a combination of the above—for example, using section 359), Hindmarsh-Woodville, Stirling, Murray Bridge, Willunga, Campbelltown, Henley and Grange, Port Adelaide (for the member for Hart), Tea Tree Gully, Marion-Noarlunga, Munno Para, Mitcham, Burnside and Mount Gambier.

They are the councils that have utilised the very section of the Local Government Act which the member for Spence says is so appalling. Those council areas take in the electorates of Hammond, Wright, Ramsay, Frome, Fisher, Heysen, Mawson, Bragg, Norwood, Spence, Price, Heysen, Finnis, Coles, Colton, Hart, Newland, Mitchell, Kaurna, Napier, Waite, Gordon and Unley. I come to Unley because Unley, in particular, has utilised section 359 of the LGA. The member for Spence—the man who could hardly get out his

words in this debate because he was so impassioned—tries to make out the case that the City Council is actually doing something that other councils do not do: that it is trying to protect, for all the wrong reasons, its residents.

*Mr Hanna interjecting:*

**The Hon. M.H. ARMITAGE:** I hear the member for Mitchell agreeing. It is fascinating that when one looks at the *Government Gazette* of 9 July 1998—

**Mr Foley:** I missed that one.

**The Hon. M.H. ARMITAGE:** The member for Hart missed it, and I am not surprised because it does not deal with his electorate. Actually, it does. Frankly, it is a good *Gazette* for the member for Hart and, indeed, for the member for Spence, because on Thursday 9 July 1998, less than one month ago, we find under the City of Charles Sturt, and I presume that is part—

**Mr Foley:** No.

**The Hon. M.H. ARMITAGE:** It definitely relates to the member for Spence.

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** In that case, I take it all back. Port Adelaide Enfield has utilised this section but perhaps not so recently. At page 8 of the *Gazette* dated 9 July 1998, the City of Charles Sturt gave notice of road closures as follows:

Notice is hereby given that council, at its meeting held on 14 April, resolved pursuant to regulation 359 of the Local Government Act—

**Mr Atkinson:** That's a misprint.

**The Hon. M.H. ARMITAGE:** I can only quote from the *Gazette*—

1934 as amended to prohibit all vehicles from—

it then goes on to list 12—

**Mr Foley:** Name them.

**The Hon. M.H. ARMITAGE:** I will name only those in particular—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** That is one: Gilbert Street, Ovingham is one. I will name them; the member for Hart asked me to. The streets are as follows: parts of Harriet and Elizabeth Streets, Croydon; roadway connecting the carriageways of Port and Main Roads (No. 51) opposite Gibson Street, Bowden; Jervois Avenue, West Hindmarsh; Bedford Street, Croydon; Wright Street, Renown Park; Hindmarsh Avenue, West Hindmarsh—and on it goes.

**Mr Foley:** Good reason.

**The Hon. M.H. ARMITAGE:** Of course there is good reason. There is good reason for the City of Charles Sturt doing it and there is equally good reason for the City of Adelaide doing it. Let us go further, because the member for Spence made out a completely fatuous, ridiculous and stupid case. I believe that he goes on the basis that, the more he says it, and the greater the passion with which he says it, the more people might believe it. He made out a case that this action, taken under section 359 of the Local Government Act by the City Council, which is no different from all those other councils that I read into *Hansard*, is in some way done because of class warfare. That is just ridiculous.

As we further examine the member for Spence's amendment, we notice that it relates particularly to streets which are on boundaries between one council and another. The member for Spence may like to know that on 9 July 1998 his council, in four of the 12 cases to which I have referred, has used

section 359 of the Local Government Act to close roads on the boundary between one council and another.

**Mr Atkinson:** Which ones?

**The Hon. M.H. ARMITAGE:** They are: part of Gilbert Street, Ovingham; part of the road shaded on the following plan; part of Trembath Street, Bowden; and another part of Trembath Street, Bowden.

**Mr Atkinson:** Trembath Street is not on the boundary.

**The Hon. M.H. ARMITAGE:** In that case, nor is Barton Road. If the member for Spence is going to argue—

**The CHAIRMAN:** Order! The member for Spence and the Minister will stop the discussion across the floor and get down to debate. The Chair has been extremely tolerable for the past five hours in this debate, and the Chair is getting a bit fed up with it.

**The Hon. M.H. ARMITAGE:** The Chair has been particularly tolerable, and you have been very tolerant, also.

**The CHAIRMAN:** You can see that I have had enough.

**The Hon. M.H. ARMITAGE:** In fact, Sir, you have been one of the most tolerable Chairs I have ever had. The member for Spence, in his usual pedantic way, said that Trembath Street is not on the border between two councils. I could equally argue—and I will choose to, if that is the point that the member for Spence wishes to debate—that nor is Barton Road, because the closure is two fairways of the North Adelaide Golf Course—

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** No, everyone has a golf course. It is two fairways away from the boundary. So, I can argue exactly the same. The point that I make is that this is a perfectly valid part of the Local Government Act that has been utilised throughout South Australia for local resident amenity by council after council, and no less a council than the member for Spence's council less than four weeks ago. So, to argue that this is anything other than a legitimate usage of a Local Government Act by a local government body to protect its residents is either specious or ridiculous or both. The member for Spence, quite frankly, could fall into both those categories. But he is an intelligent man sometimes, so I can only conclude that the reason why he is doing this is for the basest political motive, because the member for Spence has said to me—given that he is prepared to identify private conversations—on a number of occasions, 'I am just doing this for my electorate. Every time I put out a brochure it is worth 5 per cent for me.' He is not really interested in the issue: it is base politics.

So, I would contend that, where local councils are utilising a perfectly legitimate part of the Local Government Act, it is inappropriate for this level of government specifically to single out one particular road in one particular council. Therefore, for all the reasons of consistency, being logical and maintaining the ability of local government bodies to look after local residents, I oppose the amendment.

*An honourable member interjecting:*

**Mr ATKINSON:** I am sure the House wished that if I spoke on this it would—

**The CHAIRMAN:** The Chair will continue to be tolerant.

**Mr ATKINSON:**—close the debate. I apologise to the member for Adelaide if I have exaggerated the personal element in this debate and been too hard on him. I know that he supports the closure as a resident but he is not a member of the Adelaide City Council and, obviously, he has not directly brought about this closure. If I have implied that he is solely responsible for this closure, if I have said that he is directly responsible for it, I withdraw and apologise. He

supports the closure as a resident, and that carries over to his role as the member for Adelaide; and, as the member for Ross Smith said, he is only representing those of his constituents in North Adelaide who support the closure. But, if I have unduly personalised the matter, I apologise.

I also read those closures gazetted on 9 July, and what it shows is that, ever since the Adelaide City Council used section 359 of the Local Government Act to close Barton Road in the way in which it did—a so-called temporary closure—of course, other councils have got onto the lurk and it is becoming widespread. It is fair to say that all those closures in the City of Charles Sturt that the member for Adelaide mentioned have, in fact, been closed for a long time under other provisions, and they are only being renewed under section 359 of the Local Government Act. But if it is an abuse by the Adelaide City Council, clearly, it is also an abuse by the City of Charles Sturt or the City of Port Adelaide Enfield or any other council that uses section 359 for permanent closures. I agree that something has to be done about this. But Barton Road was one of the first off the rank, and we have to deal with it. I also believe it is deplorable that the member for Adelaide should use what he claims is a private conversation between us, because I have never done it to him.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** You did it in the Chamber in front of a whole lot of other people. I have never said to the member for Adelaide that I have pursued the Barton Road issue purely for constituency or political reasons. My support for reopening Barton Road is enormously popular in my electorate, and I would say that 99 per cent of people in my electorate who address their mind to the issue support my stand. I can only think of three people in my electorate who do not support my stand—I will give the member for Adelaide their names and addresses if he wants to write them down and contact them.

But in the member for Adelaide's electorate the situation is quite different. More than 100 people who live in North Adelaide are on my mailing list on the Barton Road issue, because they support reopening the road, and many of them live quite close to him. I would say that the proportions in North Adelaide on Barton Road are, in fact, quite close—of the order 60:40, 70:30. So, we are dealing with quite a different cross-section of opinion in North Adelaide, and some of those North Adelaide people have obviously taken the trouble to fax or telephone the member for Colton about this, because he mentioned them when he spoke a moment ago. It is quite extraordinary that you can find people in North Adelaide who support the reopening of Barton Road but you cannot find anyone in the western suburbs who supports its continued closure.

However, I have to say this clause is not about Barton Road. It may sound incredible, but this clause that we are about to vote on is not about Barton Road—and the Minister is nodding his head, because he knows that it is right. The members for Gordon, Colton, Hammond and MacKillop all know that the clause that we are about to vote on is not about Barton Road, because it is already closed, and this clause only has prospective operation. So, this clause is about Jeffcott Street; it is about War Memorial Drive; it is about Bartels Road; and it is about Wakefield Road. It is about whether you want your access to the City of Adelaide closed. This clause does not affect Barton Road: we are yet to come to the Barton Road clause.

There are two other matters about which I want to respond to the member for Adelaide. Barton Road was closed 11 years

ago, a long time ago, but is it not extraordinary how there is not a constituency for reopening Beaumont Road, as the Minister quite rightly said, but there is still a big constituency out there for reopening Barton Road? The people in North Adelaide, Bowden, Ovingham and Brompton have never forgotten their road and, 11 years later, we are still fighting. I will tell the Committee that, as soon as the Labor Government gets in, one of the first things it will do, within about 36 hours of being sworn into office, is reopen that road. So, the Government can beat me in the vote tonight on clause 37, and that is the Barton Road clause, but we will keep coming and eventually we will win.

The other thing on which I wanted to rebut the Minister, and I will finish on this point, is that he said that people in the south-eastern quadrant of the city have had Beaumont Road closed and they do not complain, but people in the north-west who have had Barton Road closed do complain. The difference is this: in the south-east there are ample crossovers from the suburbs into the south-eastern corner of the city. Closing Beaumont Road did not stop access, because there are other access points.

The point about the north-western suburbs is that, having lost Barton Road, we have no access point into the city from Jeffcott Road right around, over the river to Port Road, the Police Barracks and the Newmarket Hotel. The only access point in between is War Memorial Drive which, first, does not take us to the built-up area of North Adelaide and, secondly, the Adelaide City Council went within one vote of closing it in 1994. It will close that road, so the people of the north-west are particularly disadvantaged.

When members vote on this clause, they should realise that it is not about Barton Road but about all access points from 360 degrees around the city, their access to the built-up area of North Adelaide and the CBD. This is about Sir Lewis Cohen Avenue, Unley Road, Peacock Road, Bartels Road, Wakefield Road, Medindie Road, O'Connell Street and Jeffcott Road. If this clause is not carried, Adelaide City Council can close any of those roads by simple resolution of council. The member for Adelaide cannot deny that. It requires only a simple resolution to close any of those roads. It does not have to consult anyone. It does not have to ask the Government's permission. Members can ensure due process in these road closures if they vote for this clause. Please do it, because it is in your own interests.

**The Hon. M.H. ARMITAGE:** I am fascinated that the member for Spence has chosen to apologise and to try to say that, if he in any way implied that I was directly responsible for the closure of Barton Road, he apologised. Everybody in the Chamber knows that the member for Spence said directly in his impassioned speech on at least one occasion—and I intend to get *Hansard*—

*Mr Koutsantonis interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Peake says at least three occasions, and I am sure there are plenty of others.

*Mr Foley interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Hart says, 'Who cares?' I care, because the member for Spence ought not be able to come into this Chamber and say that the City of Adelaide is different and then in the next breath say it is just another council. He also said that I am directly responsible for the closure of Barton Road and then in the next breath he said, 'If I implied that, I am sorry.' I will not go on other than to say that it indicates how irrational the member for Spence is in relation to this issue.

The member for Spence has made another interesting admission. Having listened to my speech on the first time that I addressed this issue in Parliament, in relation to having been caught, in the vernacular, 'with his fingers in the till' in relation to the *Government Gazette* and his local council, the member for Spence said, 'Yes, the member for Adelaide is right.'

**Mr ATKINSON:** I rise on a point of order, Mr Chairman, and ask that the member for Adelaide withdraw the suggestion that I had my fingers in the till because some local governments, including Murray Bridge, gazetted some section 359 closures.

**The CHAIRMAN:** That is an imputation against a member and, accordingly, I ask the member to withdraw.

**The Hon. M.H. ARMITAGE:** I did not actually say that, Sir; I said, 'in the vernacular'. If the member for Spence chooses to get pernickety about that, that is okay by me. I withdraw the implication that the member for Spence in any way sought to make any money out of local government all around South Australia using section 359 of the Local Government Act to do its required duty. In relation to my previous contribution, when it was pointed out to the member for Spence for the first occasion that his local council had been doing exactly the same thing, he said, 'Yes, there is clearly abuse by other councils, and I agree something has to be done.' But his amendment does not do it.

The member for Spence's amendment refers specifically to the Adelaide City Council. The member for Spence may say that it does not refer to Barton Road, but proposed new clause 32A(2) refers only to Adelaide City Council. There is no mention of any other council. The other thing which the member for Spence identified is that the western suburbs—and by that I presume he means his electorate—would be clearly in favour of opening Barton Road. Of course they would be. I acknowledge that. But would they be in favour of opening Gilbert Street? Would they be in favour of opening Jervois Avenue, West Hindmarsh; Bedford Street, Croydon; Musgrave Avenue, West Hindmarsh; Torrens Avenue, West Hindmarsh; or Gilbert Street, Adelaide? Of course they would not be. The reason they are not in favour of it is that it affects their local amenity, which is exactly why the residents of North Adelaide are not in favour of reopening Barton Road.

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** Collectively; I acknowledge that. It has been a most interesting debate from my perspective because, frankly, the member for Spence has made a number of admissions. I can only hope that, given that the member for Spence has made allegations about financial gain to me personally out of the closure of Barton Road—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** The member for Spence has made direct allegations of financial gain to me out of my closure of this road. The parallel was there so, given that those allegations have been made publicly on a number of occasions over a number of years, and given that the member for Spence has apologised tonight in the Committee, I look forward to some public acknowledgment in a similar sort of vein to his public apology.

**The Hon. M.K. BRINDAL:** I think the Committee has considered this clause, and I would ask all members to consider that we have before us the governance of the City of Adelaide Bill. I have the privilege of leading the Government debate in this matter but, if this Committee is delayed into the early hours of the morning, I suggest that our

colleagues consult those people who want to argue incessantly about a matter which I continually tell the Opposition, and the member for Spence in particular, that we will address and we will consider seriously in the context of the Local Government Act.

*Mr Atkinson interjecting:*

**The Hon. M.K. BRINDAL:** I intend to say no more on this issue. If the member for Spence wishes to keep his members here half the night, be it on his head.

The Committee divided on the new clause:

AYES (24)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Williams, M. R.

NOES (18)

Armitage, M. H.	Brindal, M. K. (teller)
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Matthew, W. A.
Meier, E. J.	Oswald, Hon. J.K.G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.

PAIR(S)

Hurley, A. K.	Olsen, J. W.
Wright, M. J.	Kotz, D. C.

Majority of 6 for the Ayes.

New clause thus inserted.

Clause 33 passed.

Clause 34.

**Mr McEWEN:** I move:

Page 16, line 9—Leave out ‘2003’ and insert:  
2001.

**The Hon. M.K. BRINDAL:** I am sure the member for Adelaide will wish to speak to this amendment because it concerns the removal of the residential rate rebate. Sometimes it is difficult in any parliamentary system to understand the logic of those who participate. On the one hand, we have all these arguments that the Corporation of the City of Adelaide is a system of governance in its own right and, on the other hand, we have the juxtaposition that we need to make certain provisions for that city—and we have accepted that in this Bill. The last amendment is a good example. We have not voted to close Barton Road; all we have voted for, as members pointed out, is a new provision in the Act that does nothing other than put a pointer towards what local government can expect from this Parliament in the Local Government Act. That is what we have done.

What the member for Gordon proposes is more important. It is a change in the residential rate rebate, trimming it from reduction over five years (as recommended to the Government) to reduction over three years. The Government does not accept the continuation of a blanket residential rate rebate. The Government proposed its elimination over five years as

being equitable and fair. The compounding factor in this matter is the fact that the Corporation of the City of Adelaide is unique, in that it uses for both the commercial sector and the residential sector method of evaluation called annual value or rental value of properties.

Given that the Local Government Act is out for consultation and given the feedback we are getting from councils that there will be changes to the way in which rating mechanisms may be used by councils in the future, there is a chance that residential value will not be able to be collected by annual value. I am not saying that is a certainty: it is one of the things under discussion. That is one of the reasons why the Government said that, if there is to be removal of this blanket provision, it must be done progressively.

This is not only about the removal of a provision for those whom the Opposition has described as silvertails. There are people who have been the beneficiaries of this rate rebate over a number of years who are, in the term used by the Opposition, battlers. There are people in the south-western sector, for instance, such as Greek widows who have lived there for 30 and 40 years, who raised their family there, who have seen escalating property values and who have enjoyed a residential rate rebate. The effect of this amendment may well be to rate them out of their property. The Government does not believe that the provision of a blanket residential rate rebate across the whole city is any longer tenable. So, we come here with the proposition that it should be gradually phased out over five years.

We argue for five years as a matter of social justice and social conscience. The member for Gordon seeks to limit it to a three year term, and he is well within his rights to do so. I would only say to the member for Gordon and to every member of this Committee that the consequences of this may be worse than anyone envisages, even those who argue in here most passionately that it is an advantage that people should no longer enjoy. Even if you argue that passionately, I do not know that I would want on my conscience, and I am sure no other members would want on their conscience, that we remove this rate rebate in a way that could really disadvantage some people. I cannot stand before this Committee—and I will not—and give you names and addresses of people who may be dispossessed by this. All I can say is that it is my honest and deeply held belief that, if we truncate this too much, along with changes proposed for the Local Government Act, we may well disadvantage some of those people whom members, especially those opposite, so fearlessly champion. And I say that sincerely.

I will say no more on this. I believe that this move is profoundly wrong and that it could have adverse social consequences for the people whom the members of the Labor Party have traditionally most sought to protect. If that is the path they wish to go down, to some sort of tribal ‘get the silvertails’, then let them do it. But I promise them—and I am sure the member for Adelaide will aid and abet me in this—that, as long as I am in this place, if I find one person rated out of their home as a result of what this Committee does tonight, they cannot expect me not to come and lay it at their feet.

**The Hon. M.H. ARMITAGE:** I know that members opposite, in particular, delight in portraying the residents of the Adelaide City Council district as particularly wealthy. Not only have they said it in the Chamber but they have also indicated it publicly on many occasions. All I would say to those people is that on a number of occasions large numbers of my constituents have come to my office and have identi-



fied to me (well and truly before this debate ever began) that they have carefully managed their finances, recognising that there is a rate rebate for residences. Those people have said to me that, if the residential rate rebate is removed, they will have to sell their houses. That is exactly, I would have contended, what the member for Price, for argument's sake, would be against. That is not what the member for Price would want.

It is not what the member for Florey would want. It is not what the member for Giles would want, and I am not sure whether the member for Elder would want it but I suggest not—that people would actually have to sell the homes which they have in many instances, as the Minister identified, lived in for 30 or 40 years. The member for Colton well knows, particularly having represented Grey Ward, in the south-western corner of the city, that there are many people who need this residential rate rebate to maintain their homes. In my view, moving the residential rate rebate so quickly will mean that large numbers of those people will have to sell. If the Opposition wishes to make the Adelaide City Council an enclave for the wealthy, as they now contend that it is, they are going about it the right way.

I would contend that a phase-out over five years with a 20 per cent reduction would be much easier to cope with than a 33⅓ per cent reduction on a three yearly basis. To me that is self-evident. A number of my constituents are not happy with the general idea of the residential rate rebate being removed. However, those constituents have often said that they would like to see the large issues dealt with, such as water run-off pooling to be put in the south parklands, North Terrace being done up and so on. Clearly, the council needs money to do that.

I can understand that people are distressed about a proposal to remove a residential rate rebate. Many of my constituents have already indicated their displeasure to me. The only thing I would say, as I have said before, is that a more gradual phase-out allows people under financial pressure to organise their finances more easily than the more rapid phase-out, and for that reason I would be in favour of having the residential rate rebate phased out over a five year period rather than three years.

**Mr CONDOUS:** I listened to what the Minister and the member for Adelaide had to say, and there is no doubt that there are people in the south-west corner of the type the Minister mentioned, people who bought cottages which, perhaps 40 years ago, were worth about £1 200: since then the families have moved out, the women are widowed and they are living in the original family home. But one must remember that, if each of us goes through our own electorate, most of us see people who fit that category completely. I can take members to Fulham Gardens and throughout many parts of Seaton which adjoin the electorate of Spence and show them struggling Australian families existing every day of their lives. It is no different. We could consider Price and Elizabeth: we could go through all the electorates. There are people out there who are struggling to make do.

But the realities of life are that the residents of the City of Adelaide enjoy something that residents in no other suburb in South Australia enjoy. I am not trying to impose on the residential ratepayers of the City of Adelaide something that is any worse or any higher than what exists in the suburbs. All I am saying is that, if someone owns a house worth \$100 000 in the City of Adelaide, they should be paying the comparable value of \$100 000 whether it be in the City of Charles Sturt, Munno Para, Port Adelaide Enfield, Prospect,

Unley or Burnside. That is all I am saying. As a former Lord Mayor, I will be happy to take anyone who wants to come, and I will hold them by the hand and introduce them to small retailers in the Myer Centre and in the many arcades of the City of Adelaide, who put in 80 to 90 hours per week trying, for the life of them, to exist.

I can remember the heady days of the 1980s: it was great. There was no problem with the residential rate rebate because business was doing well. That does not apply today. My Government allowed the huge expansion of the Marion Shopping Centre, which had a devastating effect on the City of Adelaide. Furthermore, one can walk along Jetty Road, Glenelg, and see what the Marion Shopping Centre has done to Jetty Road. It has destroyed 80 per cent of the Jetty Road businesses because people do not want to park there and let Nadilo skin them to death with his parking inspectors. So they go to the Marion Shopping Centre, park there for nothing and can stay all day: it is a great day out. That is what happens. Let us be reasonable about it.

I have given values and today on ABC radio Councillor Brooks said I had my values all wrong. The house I am talking about sold for \$345 000: I have a photograph of it. When I asked the auctioneer prior to the property being put up for sale (and they did not know how much the house would sell for), I was told that the council rates for an owner/occupier were \$706 a year. That property sold under the hammer for \$345 000. So, a person living in the City of Adelaide with a property that had just sold for \$345 000 was paying \$706. Let us take a property of the same value in the Charles Sturt council area: it attracts rates of \$1 425. That is \$719 more for a property of the same value. That has to be social injustice. Everybody in the suburbs would like to enjoy that.

I have just received my rate notice in the City of Burnside and I am up for \$1 600. I do not begrudge it, because the Burnside council gives me a very good level of service: it has great parks and gardens, keeps the streets clean, has great libraries, has great immunisation services and provides great services for the elderly and the aged. I do not begrudge paying it, but the residents of the City of Adelaide should also not begrudge paying it. For 23 years they have enjoyed this rebate. I tried to change it. I said that the members of council who were residents in the City of Adelaide should not vote on the rebate at all, but when the legal opinion came back it said that they were one of a class and were entitled to stay there, debate it and vote on it as well. It is no different from our saying, 'Why should we have a tribunal giving us pay increases? Why should we not do it ourselves?' What a fiasco that would be. Can you imagine how many people in this House would vote not to give themselves a pay increase? Let us be honest.

Of the 16 members of the Adelaide City Council, 14 are residents of the City of Adelaide and only one of the 14 does not claim the residential rate rebate and the other 13 do. Some have claimed the maximum—well over the \$1 000, which is now being capped. Who has been paying for all this subsidy? Members opposite cannot get it in their electorate and I cannot get it in my electorate as we do not have a CBD, a Myer Centre or a David Jones paying millions of dollars a year. We do not have high rise buildings, such as the old State Bank building, that attract huge rates. At Burnside we do not have \$25 million worth of revenue from car parking. We do not have machines that people from all over South Australia put money into to be able to park on the side of the road. That exists in the City of Adelaide.

Its budget this year is approaching \$90 million, of which only \$36 million comes from council rates. The other \$54 million comes from investments. Where were those investments built up over the years? I am proud of the fact that I was a member of council in 1968 when we decided to build the first car park at David Jones, and what an asset it is today for the City of Adelaide. People in suburbia do not have the ability to do that. Who is paying for it? It is not only the investments. If you go out into the heart of the CBD and see who the little retailers are, you will find that there are little snack bar proprietors, husband and wife teams—people who get up at 6 o'clock every morning, slice all their produce, prepare their shop for the day, stay there and work like crazy, and pay huge rentals and even huge rates to the City of Adelaide in an endeavour to survive.

I referred the other day to the little girl who went to TAFE to get a certificate in hairdressing: she now opens her shop at 7 a.m. and has it spotless in an endeavour to earn \$600 or \$700 a week. We can go to the Central Market. I have been to the Pooraka markets. Mr Scalzi goes to the Pooraka markets at 3 or 4 o'clock in the morning because his brother is out there. At this time of the year it is about 2 degrees. Of the 70-odd store holders in the Central Market, 40-odd sell fruit and vegetables; they are all out there with their trucks purchasing the best product in freezing conditions to try to make \$700 or \$800 to take home to the family. They are the ones who are subsidising the residential rate rebate—the little people who make it all happen.

A bloke who owns the newsagency store in the Myer Centre wrote to the member for Adelaide and said, 'I pay \$7 800 a year in council rates for my newsagency shop.' That is a huge contribution before you have started. That is \$160 every week just in council rates before he starts doing anything. He receives nothing for it other than the streets being kept clean so that his customers can come into a clean city. He does not use the library services, the Town Hall auditorium or the other services. He does not even have his rubbish picked up: because he is a commercial ratepayer, he has to contribute to the bins downstairs so that a commercial person will pick it up.

The party is over: this is what I am getting to. You have to take your snout out of the trough and say that no longer can the commercial sector subsidise it because the fat is not there any longer. It is way gone. People cannot continue to make that contribution. We should not go into this debate for very long at all. If I am wrong, please correct me. All I am saying is that the residents of the City of Adelaide should be paying exactly what everybody else is paying for property of the same value everywhere else in South Australia. Why should a privileged few in the Adelaide CBD be getting something that nobody else enjoys at the expense of the city?

When the residential rate rebate is gone, the Adelaide City Council will be collecting between \$2 million and \$3 million extra revenue a year and that can go into capital works, doing up the cultural boulevard of North Terrace, doing the very things needed for the city—the beautification, the street-scaping, the upgrade of the parklands, the upgrade of the Aquatic Centre and the golf courses—to make it a better place in which to live. I am not asking that they be victimised: I am asking for equality and nothing more than that. If I am wrong in saying that, please point out where I have gone wrong. If there are hard cases, surely the Minister can introduce some sort of legislation so that those people who are finding it difficult can get what the pensioners in the suburbs get, namely, a contribution towards council rates,

which gives them a subsidy. I want to see people come into the City of Adelaide. More people are coming into the city and credit to the Adelaide City Council for encouraging that to happen.

Believe me, nobody is going to sell their property to move anywhere else, because if people move somewhere else they will be paying a lot more in rates than they pay in the City of Adelaide. They are not going to move out because in this city they have the advantage of leaving their car in the garage and walking wherever they want in 20 minutes. The advantages of living in the CBD are enormous. In subsequent years, we will find that more and more people will be living in the city because they are starting to wake up to themselves and are saying that it is cheaper to live in the City of Adelaide, they are close to everything, they are within walking distance of everything, including the facilities provided by the Adelaide City Council, the great amenities of the parklands, the golf courses, the swimming centre and everything else that goes with it. The advantages are so great that they want to live in the CBD.

It has been proved in the East End Market development. Max Lieberman tells me that everything he builds is going off plan. There is nothing left. Gerry Karidis tells me that he is enjoying huge sales. Everything has been snapped up. Let us get on and not sit here and debate this Bill for another two hours. Let us just vote on it, because I know that the majority of people in this Chamber—

*The Hon. M.H. Armitage interjecting:*

**Mr CONDOUS:** No, the majority of members in this place believe that there must be equality for people of all walks of life, of all standards in all suburbs. Let us get on and lift the rate rebate in three years and let the city develop.

**Mr CONLON:** The contributions so far in this debate by the member for Adelaide have been rich and dare I say redolent with absurdity, sophistry and hypocrisy, but he has taken the cake with this one. What the member for Adelaide has just said is that he as a member of the Government decided that it was all right to remove the rate rebate for the residents of Adelaide, that he supports that if it is phased in over five years, but he wants us to accept that, if it is phased in over three years, it will cause people to sell their homes, and he is very concerned for them. I am sure he is.

I wish that I had been in the Liberal Party room because I am sure that when this matter was being debated he said, 'What about the low income earners? What about the poor people?' So he got the wards back in. Whom did he look after with the ward system—the poor people! Forgive me, but I do not believe that. This bloke, this toff, has sat there—

**The CHAIRMAN:** Order!

**Mr CONLON:** I withdraw.

**The CHAIRMAN:** Order! The member will be referred to as the member for Adelaide or as the Minister.

**Mr CONLON:** The member for Adelaide has said that it is all right to phase it in over five years: that is fine, that is fair, but if it is phased in over three years they will have to sell their homes. If they have to pay the rates that everyone else has to pay in South Australia, in three years they will have to sell their homes. Give me a break! Perhaps Steve could tell us later whether in the Party room he raised the concerns of low income earners and those people on fixed incomes who will have to sell their homes, but I think he probably did not.

About two weeks ago Parliament debated the Emergency Services Bill. We raised some questions in Committee, but I do not recall you raising any questions about the fact that

we do not know how high the levy will be, how every property owner in South Australia will pay it, that it might raise \$200 million in the first year, and that individuals might have to pay many hundreds of dollars. We asked whether there would be concessions. We were told there would not be. I do not remember you having the same concern.

**The CHAIRMAN:** Order! The honourable member will address the Chair.

**The Hon. G.A. INGERSON:** I rise on a point of order, Sir. Most of us are referred to in this Chamber by the districts we represent, not as 'you'.

**The CHAIRMAN:** I uphold the point of order. The matter has been raised on a number of occasions this evening.

**Mr CONLON:** I do not recall the member for Adelaide raising the same concerns for those poor, fixed income earners in the City of Adelaide, and as I said I suspect that he did not really mention that concern in the Party room when he was raising his ferocious concerns about keeping the wards. When the Federal Liberal Government was considering making people sell their homes to get into a nursing home, I do not recall the toff member for Adelaide saying that that was terrible. All I can say is that, if you believe the member for Adelaide on this question of rate rebates, I have a bridge that I would like to sell you.

**The Hon. M.K. BRINDAL:** I would like to make a couple of points in answer to the member for Colton and in response to the general comments that have been made. The Government believes that five years is equitable, and I think that the member for Elder might have missed this point. If we consider that, under the Local Government Act, in addition to the removal of the residential rate rebate there might be a shift from annual values to capital values, the combined effect of those two things in a shorter period could cause a problem. I am sure that any member of this place, if any one of their voters was faced with massive rate hikes of that order, whether they were justified or not, would be in this Chamber saying that it was not fair.

The member for Colton outlined the reasons that the member for Adelaide and all members of this place concede that the rate rebate must go. If we look at the reality of the situation, which the member for Colton knows, the City of Adelaide collects something less than 50 per cent of its entire revenues in any form of rates, commercial or residential. The commercial side is the bigger sector of the rates collected, but less than 50 per cent. The fact is that the council may spend, and it has spent traditionally, more than double the amount in North Adelaide specifically than is raised by rates. Similarly, that additional amount is not necessarily taken from the rates. It is taken from this enormous revenue stream that comes, as the member for Colton has said, from car parks and from the solid waste facility at Wingfield. In addition, I believe that \$1 million in parking fines is collected by the Corporation of the City of Adelaide.

Therefore, while the Government believes in the removal of the blanket rate rebate, there is an argument for saying that, if the amount of revenue collected is double the rates collected and the council spends double in any ward, it is probably spending double in every ward. It is not quite a true picture to say that residential moneys have been taken and re-applied elsewhere. Because the money that has been re-applied is from other revenue streams, it is true that the Government believes that we need to adjust it, but it is not that the council is robbing Peter to pay Paul. We have to do this in a way that is fair to everyone involved.

I conclude by saying that the five years was not plucked out of my mind, the Cabinet's mind, the Party's mind or the member for Adelaide's: it was arrived at after consultation with the stakeholders. The elected representatives of the city and ratepayers said that they would like it to be phased in over five years. We can be, as we often are, the font of all wisdom; we can know better than all the people; or we can do what the Opposition constantly urges me and every other Minister to do, that is, get out and listen to the people and consult them. On this issue we have talked to the council, we have talked to the elected members and we have talked to the people. Many of those groups say that they do not want to lose the rebate but, if they have to lose it, they think that it can be managed over five years. This Government supports the council, the local member in his representation and all the interested stakeholders, and we come here in the interests of consultation.

Parliament can ignore that consultation, it is Parliament's right, but all I can say is that, to our best knowledge, this is what the people affected want, what the duly elected council wants, what the local member says is fair and what the Party room says is fair. If Parliament must contribute, so be it.

**Mr FOLEY:** As I have said a couple of times tonight, the nonsense of this Bill never ceases to amaze me. I have finally found something in the Bill—and I acknowledge that the Barton Road issue had some moment—

*The Hon. M.H. Armitage interjecting:*

**Mr FOLEY:** Well, we have not, but we are getting to it. I think that I have found something of significance in this Bill in the issue of rate rebate. I welcome the contribution from the member for Colton, who I think is showing great courage to resist his own Party.

**The Hon. M.H. Armitage:** At least he won't get a brick through his window.

**Mr FOLEY:** I do not follow the humour of that remark.

*The Hon. M.H. Armitage interjecting:*

**The CHAIRMAN:** Order!

**Mr FOLEY:** I have a point of order, Sir. The member for Adelaide has accused me and my Party of putting bricks through members' windows.

**The CHAIRMAN:** There is no point of order. The honourable member has not made that accusation.

**Mr FOLEY:** I will enjoy this because if members had not got from the tenor of my contribution tonight that I think little of the Adelaide City Council, well, they certainly will by the time I am finished. The bleeding heart story put across by the member for Adelaide and the Minister that the poor residents of North Adelaide need five years to cope with a residential rebate is absolutely astonishing. I tell members that if by some miracle tomorrow I were the Treasurer of this State I would have that rent rebate fixed overnight. It would go, and this is how I would do it: I would find every single device open to me as the Treasurer of this State—and members should take this as fact—to withhold \$1 for \$1 in rent rebate.

I would find every possible avenue of funding coming into this State—and I suspect that there are not a lot, but I would scrounge around—and, where I could, I would withhold \$1 for \$1 of rent rebate that the council continues to give the residents of its council area, because it is an outrageous abuse of ratepayer and taxpayer money. I would be duty bound, as the Treasurer of this State, to ensure that a Labor Government ceased that immediately. When I think—

*The Hon. M.K. Brindal interjecting:*

**Mr FOLEY:** Because I was not the Treasurer. I will do a lot of things in Government that were not done previously,

believe me. When the junior Minister for Local Government has the audacity to say in this place that we can give our rebates to the people of North Adelaide because we raise large amounts of money from the Wingfield dump, that really riles me. I am the member for the area that happens to have the Wingfield dump smack bang in the middle of it. I have constituents who live right next to the Wingfield dump. I tell members that the Adelaide City Council's attitude towards that dump is disgraceful, and it will be getting a fair bit of stick from me over the ensuing years about what it intends to do with that dump.

It is an outrage that it can simply extort rents from that dump—which as I say is smack bang in the middle of my electorate—where many hundreds of people are living, to raise revenue to farm out to the residents of North Adelaide in the form of a rent rebate. It is simply not on. I do not think that Councillor Moran is still here, which is a pity, but she will no doubt read my contribution after I have faxed it to her in the morning. An article in the *Advertiser* really sums up the attitudes of the privileged, the rich and the haves against the reality of the have-nots. In relation to the issue of rent rebates the article states:

Mrs Moran has been criticised for her support of a cash 'bonus' that's seen as a gift to the inner-city rich. But, she argues, 'quite a lot of tight budgets operate behind those pretty doors.'

That is a hoot. The article further states:

But if the rebate were abolished, she says, the cash poor might find the extra \$400 or so a year to meet their rates bills by restricting their food bills or cutting down on heating costs. . .

What do members think constituents in my electorate do when they lose their jobs? What do members think people in my electorate do when they must pay registration increases, the emergency services levy and the proposed GST? What do members think people in my electorate do when they must pay for child care or when the elderly are forced to sell their family home to go into a retirement home? I do not hear too many bleeding hearts from members opposite about people in the electorates of Port Adelaide, Salisbury, Elizabeth, Spence, Peake and wherever else we in the Labor Party represent. If Mrs Moran was not going well enough—she was on a roll—she then urges caution, obviously, and says that if we make it too expensive for the wealthy to live in the Adelaide City Council area they will not do so.

But, cop this. This is from an elected member of the Adelaide City Council. Here we go. If members are feeling really sorry for the hard done by of North Adelaide, cop this for a quote:

Even the wealthy look at rates when they're deciding where to live.

And cop this:

The perception will be a declining population in a depressed area. Fair dinkum! Councillor Moran is worried about North Adelaide being considered a depressed area. Come down Port Road, Minister. Come down Port Road, member for Adelaide and have a look at Taperoo, Osborne and Port Adelaide. Have a look also at Salisbury; have a look at Elizabeth, and then talk to me about depressed areas. If members think that I intend to stand in this place and cop the toffs of North Adelaide, the cash and asset rich of North Adelaide, getting some sleazy sweetheart deal, they have got something terribly wrong.

The only thing wrong with the amendment of the member for Colton is that we are not making it applicable immediately. If I were the Treasurer of this State it would be applicable

immediately. This rort should not have been allowed to continue. The former Labor Government should not have allowed it to continue and this Government should not have allowed it to continue. It should be stopped immediately. If the Government intends to do anything with this Bill then this is about as good as it gets, because I am sick and tired of representing an area of this State that is doing it bloody hard and reading crap like Councillor Moran gave to the *Advertiser*.

*The Hon. M.H. Armitage interjecting:*

**Mr FOLEY:** It is crap. The Minister can just roll his eyes. If members think that I am going to have a bleeding heart because a few people in North Adelaide will have to pay what my residents pay in the way of their council rates, they are wrong. This sort of stuff should have been outlawed years ago. What other privileges do you want, Minister? What other privileges do the elite of North Adelaide honestly want? They have the best of the best. They have a beautiful suburb. People are paying for it. The suburb is ringed by parklands. The border of the council is measured by the width of the fairways. It has its own exclusive roads. What more do you possibly want? Do you really want the people who are doing it hard to give you a little whack in the wallet every year in the way of a rebate? For the Minister—

*Mr Condous interjecting:*

**The CHAIRMAN:** Order!

**Mr FOLEY:** The member for Colton said that Mrs Moran has a private tennis court on parklands. I do not know about that but that probably says enough. I drive through the streets of my electorate and reflect on the council rates that my electors must pay; I see the condition of the streets and the services they are battling to get from their council; and I consider that we are giving a 45 per cent rate rebate to the people lucky enough to live in North Adelaide. Reading this stuff from Councillor Moran about North Adelaide's having a declining population and turning into a depressed area makes me want to vomit.

At the end of the day, whilst obviously I will support the amendments of the member for Colton, we really should be making zero next year and, for once, do something in this Bill with a bit of teeth instead of this being an absolute wet lettuce of a piece of legislation that is about as reformist as turning the corner in your car, quite frankly.

**The Hon. M.K. BRINDAL:** I point out to the Committee that, under the amalgamation process which many councils have gone through, councils have five years in which to adjust their rates across a council area. This is a rebate issue related to time. Whilst I acknowledge the member for Hart's passion when it comes to dictating what he believes should happen in North Adelaide, I believe it is a pity that he was not quite so passionate in defence of his ratepayers when his own council lost millions of dollars on a venture called the Port Adelaide Flower Farm, and that was millions taken off battlers—

*Mr Foley interjecting:*

**The Hon. M.K. BRINDAL:** No, he was not in Parliament; he was adviser to a senior Minister.

**Mr ATKINSON:** The City of Adelaide has suffered considerable depopulation over many years. I suppose that, for the first 50 years of the colony of South Australia, the majority of people in metropolitan Adelaide lived in what is now the City of Adelaide. I do not know at what point more people lived in the suburbs than lived in the City of Adelaide, but I suppose that point came at some time in the 1890s.

*An honourable member interjecting:*

**Mr ATKINSON:** The Minister interjects that it was after that. It may have been before the First World War. But Adelaide had a considerably larger population at one time, and I gather from an article in the *Advertiser* that, in 1920, the population of Adelaide and North Adelaide was 45 000 and by 1981 it had fallen to 12 656. The process by which that occurred was that many of the places that were dwellings in the City of Adelaide were occupied by businesses or bulldozed in order to make way for car parks.

One looks back at that period in the 1920s when Adelaide and North Adelaide was such a populous area. I look back on it quite sentimentally, because many of the football teams in Adelaide had their catchments entirely in the City of Adelaide. The South Adelaide Football Club, which won quite a number of premierships in the nineteenth century, had its catchment in places such as Gilles Street and Sturt Street. Ted Goldsworthy, the former secretary of my union, used to barrack for South Adelaide. I once said to him, 'Ted, why do you barrack for South Adelaide? You live in Little Sturt Street'. He replied, 'Look, when I was a lad, everyone in that area barracked for South Adelaide'—just as people who lived in the west end of the city barracked for West Adelaide and, if they were of sufficient ability, they played for the West Adelaide Football Club. When West Adelaide won so many premierships and were so strong in the 1950s, they drew almost their entire team from the west end of the city.

My point in mentioning all of this is that the rate rebate was introduced for the purpose of trying to increase the population of the city from the paltry figure of 12 656. I believe that, when the rate rebate was introduced, it was an excellent idea and certainly worthwhile. I have to say that I doubt whether it ever should have been applied in North Adelaide, because I do not believe that North Adelaide ever suffered serious depopulation. In fact, I suspect that what has happened in North Adelaide is that there may have been more people living there at one time because there were more flats, maisonettes and rented dwellings and North Adelaide has now moved more to the grand mansion rather than the number of rented dwellings it once had. I may be wrong about that, but I really do not see why the rate rebate was extended to North Adelaide, because I do not believe that North Adelaide suffered the depopulation that the square mile of the city suffered in the generations after the 1920s.

*Mr Conlon interjecting:*

**Mr ATKINSON:** The member for Elder interjects that he would love to live in the square mile. As a matter of fact, I would like to live in the square mile, because I believe that it has a lot to recommend it.

*Mr Clarke interjecting:*

**Mr ATKINSON:** The member for Ross Smith is right: I probably would not leave Kilkenny—named, as it is, after a county in the Republic of Ireland and named, of course, for the cell of Saint Canice, the sixth century monk—but I will not go into that.

*Members interjecting:*

**The CHAIRMAN:** Order!

**Mr ATKINSON:** There were a number of features of the square mile in the period between 1920 and the current day which were deterrents to people living in the city. They included the general hustle and bustle of people in the suburbs coming to work in the city and then leaving at 5 o'clock—the traffic flow was quite strong. There were a number of manufacturing operations in the city, things such as tanneries, which emitted fairly unpleasant smells and

smoke; there was noise; and there were many automotive workshops and garages, which are still there.

I am sorry that the member for Adelaide is not listening to this, but I thought that the rate rebate was a good idea, and I believe that there was a need in the 1970s to try to bring people back to live in the square mile. I believe that that was a laudable objective, and that is why a 25 per cent rate rebate was introduced. I am told that, at that time, the average rates in the City of Adelaide were above those for the suburbs at the time, and so the 25 per cent rate rebate only took them back to the kind of rates that people were paying on equivalent homes in the suburbs. So, I believe that the rate rebate was a good idea. I do not want to shock the Committee, but I would go further: I believe that the rate rebate is probably still a good idea for the square mile, and I would like to see the rate rebate continue for the square mile of the City of Adelaide, and I would like to see—

*Ms Key interjecting:*

**Mr ATKINSON:** And, as the member for Hanson said, as long as there is a rent rebate—and I will go into that in a minute. So, I believe that there is some value in the continuation of the rate rebate in the square mile. I would also like to see some protection—

*Mr Conlon interjecting:*

**Mr ATKINSON:** Yes, even in North Adelaide—for people who own dwellings under the capital value of \$150 000. I do not want to see the Labor Opposition cooperate with members of the Liberal Government to take the rate rebate away from people who live in modestly valued dwellings. Alas, there is no amendment before the Committee to insulate these people or the square mile. I would have thought the member for Adelaide had the job of protecting home owners in North Adelaide whose dwellings are valued at \$150 000 or less and exempting them from the abolition of the rate rebate, because, if he were prepared to do that, I would be prepared to support him. However, there has been no move from the member for Adelaide or the Government to exempt the square mile. I guess that the member for Adelaide is bound by Cabinet solidarity to support the position that the Minister puts: that is, the uniform abolition of the rate rebate over a phased in period of five years.

*Ms Key interjecting:*

**Mr ATKINSON:** I think it would be good to try to attract more people back to the square mile. That is what Gerry Karidis is doing, and I congratulate him on his work. As for the member for Hanson's interjection about a rent rebate, there is something in that, because what annoyed me about the way in which a rate rebate worked is that you got it only if you were a resident owner. So, the member for Adelaide got a rate rebate for his quite pleasant dwelling, but if you owned a dwelling—

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** Because you are one of the few members of Parliament who live in the City of Adelaide.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** I don't want to hurt your feelings, but—

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** That's a very nice thing for you to say about us.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** I thought you were saying we were champions. You always have to personalise it, don't you? Let us use Michael Abbott QC's gargantuan mansion on, I think, Buxton Street. He gets a rate rebate for his mansion but, if you have a modest home in North Adelaide or in the square

mile and rent it to students or other tenants, you do not get the rate rebate. Why? Because Councillor Anne Moran and her ilk do not want those kind of people in the City of Adelaide. They do not fit the description. If you are an owner/occupier, that is fine according to the council, or should I say the North Adelaide Society faction—you can avail yourself of the rate rebate—but, if you set up a dwelling to be rented out to students or other tenants, they are not the kind of people the Adelaide City Council wants living in the square mile in North Adelaide. So, you do not get the rate rebate for bringing certain kinds of people back into the city. I divert a little to the days when the City of Adelaide was a Labor fiefdom.

**Mr MEIER:** On a point of order, Mr Chairman, I fail to see what history has to do with this clause. Most of the honourable member's presentation has involved history. I would have thought that that would be appropriate for the second reading debate but not for the Committee stage.

**The CHAIRMAN:** Order! There is no point of order. However, as I tried to explain previously, I have been tolerant during the debate. Because we have to deal with a lot more this evening, I urge members to deal with this legislation expeditiously.

**Mr ATKINSON:** The member for Goyder does not seem to understand that the rate rebate was introduced to try to reverse the depopulation of the city.

*Mr Meier interjecting:*

**Mr ATKINSON:** Now you're out of order. I have the call, and I am relevant. I support measures including the rate rebate if that will lead to the repopulation of the city. I drink in the West Croydon Kilkenny RSL Club with an old mate called Bill Nolan who was born in the City of Adelaide.

**Mr Clarke:** How long ago was that?

**Mr ATKINSON:** At least 70 years. He is an ex-serviceman. He served with the RAAF. You can always see him on Anzac Day marching with 'the flying shovels', the blokes who built the air strips—

*An honourable member interjecting:*

**Mr ATKINSON:** No. I'll get around to that, and to Ray Fewings. I have a lot to report tonight.

*The Hon. M.H. Armitage interjecting:*

**Mr ATKINSON:** No. I think I'll leave that one out.

**Mr Clarke:** What is Bob's view on the rate rebate?

**The CHAIRMAN:** Order!

**Mr ATKINSON:** Bill Nolan and many Labor voters or traditionalists were born in the City of Adelaide. They lived there and they were members of big families. There must have been at least seven Nolan brothers. I once said to Bill, 'I know you were born in Grey Ward, but in what street did you usually live in the City of Adelaide?' He said, 'It's like this, mate, what street didn't I live in; we were always just ahead of the landlord.' There was a great Labor population there. Their representative in the City of Adelaide was the king of the West End, Bert Edwards.

*Mr Meier interjecting:*

**The CHAIRMAN:** Order!

**Mr ATKINSON:** That is a very good question. Actually, we didn't do anything to him.

**The CHAIRMAN:** Order! I do not think that the Committee particularly wants to know. We will stick to the Bill. There is nothing about Bert Edwards in this legislation.

**Mr ATKINSON:** Bert Edwards was framed and gaoled.

*Members interjecting:*

**The CHAIRMAN:** Order! The member for Spence.

**Mr ATKINSON:** So, for many years the seat of Adelaide was a Labor seat, and it was a Lang Labor seat during the Depression. That is because, for the benefit of the member for Goyder, many people lived there. I would like a rate rebate that brought people back to the city. What I am not prepared to support on the Government side is a rate rebate that only brings the wealthy back to Adelaide. I want a rate rebate that encourages people to set up flats, maisonettes, units and small dwellings which will accommodate people of all ranges of income.

The point I am making is that the City of Adelaide was not always a Liberal Party stronghold. The Adelaide City Council was not always a council where the pre-selections were all done in-house by the Liberal Party in the Adelaide Club. It was once a strong Labor area. However, owing to the depopulation, and in order to maintain State electorates of equal size, it had to accommodate areas other than the square mile. When it started to embrace North Adelaide and Walkerville, it was lost to us as a Labor seat, though as recently as the 1970s and early 1980s the seat of Adelaide was a Labor seat because it went out to the west, when it was held by Jack Wright. So, we on the Labor side—

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** Yes, 1989, but I am saying that, up until then, because the boundaries were different, it was actually a Labor seat. The square mile had a Labor member of Parliament. So the Labor Party has nothing in principle against the rate rebate. I would have thought that at sometime in the past few months the people in the city, the resident groups such as the North Adelaide Society who wanted to maintain the rate rebate or at least spin it out for as long as it could be spun out, would have wanted to get in touch with the Labor Opposition to try to canvass their support against this nasty Liberal Government that was taking away their rate rebate over five years. You would have thought that the natural process was to assume the Opposition would adopt its normal role of opposing what the Government does. You would have thought the Labor Opposition would want to score a few brownie points with a view to winning votes in the State District of Adelaide at the next election. You would have thought that these people would have approached us to canvass our support.

However, the member for Elder, the Opposition's local government spokesman, tells me that the first person who came to see him trying to defend the rate rebate was Councillor Elbert Brooks from North Adelaide and he contacted him only today, about one and a half hours before the debate was due to begin. Why did they not come to see us? That is a very interesting question. I believe that they were too ashamed to come and see us knowing what they had done to us over road closures. They were too ashamed because they knew we would raise that question with them.

I have to say to some of these North Adelaide councillors tonight that they have represented the people of North Adelaide and the square mile very badly on this Bill. They have been politically incompetent. They had a chance to have the Labor Opposition support many of their points in return for a sensible compromise on road closures. I hope that the North Adelaide Society really enjoys the Barton Road closure for the next three years, which is the maximum they will retain it, because they have paid a heavy price in political representation with the loss of wards, and they have paid a heavy price on the rate rebate. It need not have been this way. There could have been a compromise, and the Labor Opposition could have been a party to it. But we were never even

approached by the North Adelaide Society and the councillors, and that is a very interesting failure on their part.

The Committee divided on the amendment:

AYES (24)

Atkinson, M. J.	t.) Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Condous, S.G.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lewis, I.P.	Maywald, K. A.
McEwen, R. J. (teller)	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Williams, M. R.

NOES (18)

Armitage, M. H.	Brindal, M. K. (teller)
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.

PAIR(S)

Hurley, A. K.	Olsen, J. W.
Wright, M. J.	Kotz, D. C.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 35 passed.

New clause 35A.

**The Hon. M.K. BRINDAL:** I move:

Page 16, after line 28—Insert new division as follows:

Division 7—Register of Interests

Register of Interests

35A. (1) In this section—

'the register' means the register of interests that relates to members of the council maintained by the chief executive officer of the council under Part 8 of the Local Government Act 1934.

(2) The regulations may prescribe the form and content of any return that must be submitted by members of the council under Part 8 of the Local Government Act 1934 (on the basis that such regulations will operate to the exclusion of section 149(1), (2) and (3) of the Act).

(3) Section 151(1) of the Local Government Act 1934 does not apply in relation to the Adelaide City Council.

(4) A person is entitled to inspect (without charge) the register at the principal office of the council during ordinary office hours.

(5) A person is entitled, on payment of a fee fixed by the council, to a copy of the register.

(6) A person must not publish—

(a) information derived from the register unless the information constitutes a fair and accurate summary of the information contained in the register and is published in the public interest; or

(b) comment on the facts set forth in the register unless the comment is fair and published in the public interest and without malice.

(7) If information or comment is published by a person in contravention of subsection (6), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: \$10 000.

This amendment opens up a register of pecuniary interests of council members to public inspection subject to restrictions on the publication of information derived from the register to ensure that this is fair, accurate, in the public interest and without malice.

New clause inserted.

New clause 35B.

**The Hon. M.H. ARMITAGE:** I move:

Page 17, after line 2—Insert:

Special review

35B. The Minister must, within nine months after the relevant day, complete a review under section 22 of this Act in relation to the issue of whether the area of the council should be divided into wards (and, if so, the number of councillors who should represent each of those wards) from the general elections held for the council on the first Saturday of May in 2000.

As the member for Gordon has identified in relation to wards in the past, after amalgamation his council had no wards. At the next election, it was given the opportunity to determine its status as to whether or not it should have wards and it identified clearly that it should have wards—I think I am correct in this. I believe thereafter that council has been elected on a ward representation basis. My amendment would have the Minister complete a review following the next election, and that review would then form part of the Governor's decision-making process in relation to clauses we have moved under other amendments proposed by, I believe, the member for Gordon.

It is my view that if the city itself were empowered to do the review, there would be a potential for the present *status quo* to be the suggested outcome. Clearly, I do not believe that that is the appropriate outcome, given that as a member of the Government I supported the ward structure that was proposed in the Government Bill, which was subsequently defeated on the floor of the Chamber. I do not believe it would be appropriate if the city were to go back to the present ward structure. However, I do believe that, if the city were to undertake that review, that may be the outcome. Accordingly, I believe it is appropriate that the Minister must undertake a review within nine months of the next election. That would afford to the City of Adelaide the same opportunities as exist for other local government bodies.

**The Hon. M.K. BRINDAL:** I have not been entirely successful tonight in predicting the will of the Committee. Nevertheless—

**Mr Clarke:** Resign!

**The Hon. M.K. BRINDAL:** The member for Ross Smith is slightly uncharitable: I have not called on him to do the same. Nevertheless, the Government is minded to support this amendment for the following reasons. I have actually heard the member for Gordon, not in the context of this debate but publicly on other occasions (and I hope the honourable member will forgive me if it was a private conversation; I do not think it was) say that this is the sort of avenue that he favours; in fact, this would allow the council to hold an election at this time and another election. So, there would be two council elections before the Minister would be able to complete a review under section 22 to determine whether, as applies in the member for Gordon's council where the decks have been cleaned and there is a new structure, that structure is still necessary and whether after two elections it is working. I accept what the member for Adelaide says that, if we put it back to the council, that may be dangerous.

I point out to all members of the Committee that it gives the Minister the power only to conduct a review. It would be up to all members at that time. If any Minister were of a mind to alter the structure of the city again, that Minister would be required, consequent upon his or her review, to bring that new structure back to this House and incorporate it in a City of Adelaide Bill. So, the Minister's amendment is not a

suggestion that allows the Minister to change this law. It is merely an automatic process for review which, if the Minister was minded to make any change, would then require the Minister to bring that proposition before this House and have this House decide whether a change was necessary. I therefore think that it is consistent with what I have heard the member for Gordon and others say. I believe that it is not inconsistent with the will of this House as has been expressed in the debate today, and I therefore propose on behalf of the Government to accept the amendment.

**Mr McEWEN:** I am sympathetic to the intent that has been outlined by the member for Adelaide in relation to the opportunity for local government to move back to wards at some time in the future, but I am not comfortable with this vehicle to achieve that end. In fact, I do not think this vehicle achieves that end, on two fronts. In the example the member for Adelaide gave, it is important to recognise that it was the elected council that made the decision as to the appropriate future governance of that body. It was not a review that involved the Minister. The same *Gazette* that the Minister quoted earlier gives notice that, at the next periodic election, the District Council of Grant will be going back to wards. It has not happened yet, but there is a vehicle in place already under the Local Government Act to achieve that end.

The other thing I would not support is this matter being addressed in May 2000. In the example I have given it has taken a full term, and this will not be a full term. Again, I would argue that, until such time as this new council, elected without wards, has bedded down and had some concrete experience in terms of governance at that level, it would not be well positioned to make the appropriate judgment as to whether or not elections should be at large or by wards.

I would not consider it appropriate for this level of government actually to dictate, if there were to be wards, how many there should be and what configuration they should take. I am in sympathy with the intent, namely, that there ought to be the opportunity at some time for another level of government to choose its governance arrangements. It ought not to happen by the intervention of the Minister and it ought not to happen as early as May 2000; that would be premature. Those elected at large would not at that stage have had the opportunity to experience local government and be able to make such a decision.

I do not believe that this new clause 35B actually achieves the intent either that I experienced as part of the earlier example in the District Council of Grant or what the member for Adelaide was alluding to in terms of a desired outcome. I believe that if we simply leave it alone the Local Government Act contains all the powers that are necessary to achieve the desirable end, should it be the wish of the elected body, the City of Adelaide.

**The Hon. M.K. BRINDAL:** I am attracted by what the member for Gordon has said and am interested in whether he was proposing a further amendment to shift the date, because the Government supports this amendment generally. I am not quite sure what the member for Gordon was saying.

**Mr McEWEN:** I was saying that I do not believe we need an amendment. I believe that this sits with the Local Government Act, and it is quite clear. This Bill also sets out the relationship between it and the Local Government Act, and I am saying that the Local Government Act has within its structure exactly what is required to achieve the ends for which the member for Adelaide has asked. At the appropriate time, that duly elected body can revisit the matter and can choose at an election in May 2003 to elect a new body based

on wards, of a configuration it chooses. We do not need to do anything here to achieve that end.

**Mr CONLON:** I reinforce what I hope the member for Gordon was saying. The member for Adelaide has taken a loss on wards, and he is trying with an amendment to sneak them back in at a future time and, basically, defy the will of this Committee. As the member for Gordon says, there are provisions in the Local Government Act for the council itself to look at those issues in the future. I have no doubt that this matter will be looked at again in the Upper House, anyway. However, just for once in this debate the member for Adelaide should be straight. What he has lost in the House he should not go and try to sneak in the back door.

**The Hon. M.H. ARMITAGE:** I wish to clarify one thing in relation to yet another personal debating point which the member for Elder utilised and to which I am very accustomed. Having been a member of this House for nine and a bit years, the last thing I would do is defy the will of the House. I understand the will of the House and I respect it, but I also respect, as I hope the member for Elder does, the opportunity for every local member to move amendments to Bills, and that is what I have done in moving this amendment. However, I indicate to every member of the Committee that I will accept whatever the Committee does, as I have for all the nine years that I have been in Parliament, and I will do so for however long I stay.

The Committee divided on the new clause:

AYES (19)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Condous, S.G.
Conlon, P. F. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Maywald, K.	McEwen, R.J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Williams, M.R.	

PAIR(S)

Olsen, J. W.	Hurley, A. K.
Kotz, D. C.	Wright, M. J.

Majority of 4 for the Noes.

New clause thus negatived.

Clause 36 passed.

New clause 37.

**Mr McEWEN:** I move:

Page 17, after line 8, insert:

Transitional provision—wards.

The division of the area of the Adelaide City Council into wards immediately before the relevant day ceases to have effect on the relevant day.



**The Hon. M.K. BRINDAL:** This new clause is consequential on a decision made previously by the Committee this evening and we do not intend to contest it.

New clause inserted.

New clause 38.

**Mr ATKINSON:** I move:

Transitional provision—roads.

(1) Any resolution of Adelaide City Council in force under section 359 of the Local Government Act 1934 immediately before the commencement of this section that relates to Barton Road, North Adelaide, expires (unless it has been revoked or has already expired) six months after the commencement of this section.

(2) The Adelaide City Council must, on the expiry or revocation of a resolution referred to in subsection (1), take reasonable steps to re-establish Barton Road, North Adelaide, as a road that is suitable for the two-way movement of public and private vehicular traffic between Hawker Street, Bowden, and Barton Terrace or Mills Terrace, North Adelaide.

I move that transitional provision for the reasons I gave in an earlier debate, namely, that section 359 of the Local Government Act has been misused by the Adelaide City Council to close a road permanently rather than temporarily and a road on the boundary between two councils.

**The Hon. G.M. Gunn:** We've already heard most of this.

**Mr ATKINSON:** Yes, you have heard most of it, and I am not going to go on a great deal about it. I thank the Committee, from the bottom of my heart, for its support of my first amendment because, by supporting it, the Committee has made sure that there will be no more Barton Roads occurring in the future, and that is very important.

*Members interjecting:*

**Mr ATKINSON:** If Barton Road were reopened, I might evaporate. If members support this new clause, I might have no important purpose in my political life.

*Members interjecting:*

**The CHAIRMAN:** Order!

**Mr ATKINSON:** There is no question that the Committee takes the view that the way Adelaide City Council has used section 359 of the Local Government Act to block an access road such as Barton Road is an abuse of that process. There is no doubt that the vote earlier tonight was a clear indication that the Committee does not support that kind of manoeuvre. By this new clause I am trying to say that due process should occur in respect of Barton Road. If the council is going to persist in using the temporary closure provisions of the Local Government Act to try to keep Barton Road closed, the matter ought to be laid before both Houses of Parliament in the same way as any other by-law or subordinate legislation. The Parliament should have the opportunity to make an adjudication about the closure of Barton Road. I know that a couple of Government members support me on this and I only wish that there were three of them.

*The Hon. M.K. Brindal interjecting:*

**Mr ATKINSON:** You never know. I would not get confident. I have had a bit of difficulty convincing the member for Gordon about this clause because he claims it is retrospective.

*Mr McEwen interjecting:*

**Mr ATKINSON:** What is it that we object to about retrospectivity or retroactivity in legislation? What we object to is lack of due process. We think that retroactivity is a violation of the rule of law, because people wake up one morning and find that the law as they thought it was is no longer the law and it prejudices their existing rights. That is what we object to about retrospectivity. But I say to the member for Gordon and the members for Chaffey and

MacKillop that this clause is not really a violation of due process in the nature of retrospectivity because it is Adelaide City Council that violated due process in respect of Barton Road. The only occasion on which the Barton Road closure was properly adjudicated was in 1992 when the Adelaide City Council, five years after it had closed the road—

*The Hon. W.A. Matthew interjecting:*

**Mr ATKINSON:** I am not on a seven second delay—I am live.

*Mr Scalzi interjecting:*

**Mr ATKINSON:** No, it is not a dead issue at all, as the member for Colton will tell you. Thousands of people in this city want to see this road open and they will see it as part of either the City of Adelaide Bill or the Local Government (Miscellaneous) Amendment Bill, or otherwise when Labor gets into office, because it is the first thing we will do.

**Mr Venning:** You closed it.

**Mr ATKINSON:** We did not close it. Adelaide City Council closed it. My pitch is to those who will listen. My pitch is to the members for Gordon, Chaffey and Mackillop. I say that this transitional provision is not a violation of due process and it is not literally retrospective because, when this closure was considered by due process for the first time five years after it was closed, it was under the Roads (Opening and Closing) Act.

**Mr Venning:** By your Minister.

**Mr ATKINSON:** Yes, by my Minister, by Kym Mayes as Minister for Lands on the advice of the Surveyor-General. When Barton Road was first closed in 1987 it was done without any lawful authority whatsoever. There was no application under the Roads (Opening and Closing) Act, there was no resolution under section 359 of the Local Government Act, and there was not even any resolution—

**The Hon. M.K. BRINDAL:** I rise on a point of order. I accept the comments of the member for Spence, but every single point that he is making he has canvassed at least twice previously in this debate—exactly the same points, Sir.

**The CHAIRMAN:** It is a new clause, but I take the point that the Minister has made.

**Mr ATKINSON:** I will respond and accommodate the Minister by being comparatively brief on this issue, but I make the point that due process was not followed in respect of the Barton Road closure. There was no lawful authority for the closure in 1987, and it was not me who said that: it was Mr Justice Duggan in the Supreme Court who said it. The Adelaide City Council only moved to follow due process in respect of Barton Road on 28 May 1992, that is five years after it was closed. It began a proper process for closing the road under the Roads (Opening and Closing) Act.

The council put an advertisement about the proposed closure in the classified advertisements section of the *Advertiser*. To read it, you would not have known it was about Barton Road, because it referred only to deposited plan number such and such, hundred of such and such. Fortunately, Gordon Howie and I saw it in the *Advertiser* and we notified people. As a result, the Surveyor-General will tell you that there was the biggest protest against a road closure in the history of this State.

**Mr Venning:** I wish that you had as big a passion about the ETSA Bill as this.

**Mr ATKINSON:** Are you making me an offer? I point out that 578 people at short notice lodged written objections to the closure and a further 417 people petitioned against the closure. That was a record under the Act. Almost 100 of those objectors were from North Adelaide. They are the people that

the member for Adelaide does not represent, the more than 100 people from North Adelaide who formally lodged objections to the closure. They included the O'Connell Street Traders Association and many, many residents. Council voted—

*The Hon. W.A. Matthew interjecting:*

**The CHAIRMAN:** Order! The Minister is out of his seat.

**Mr ATKINSON:** Council voted 12:1 to go ahead with the proposal and, after considering the proposal for three months, the Surveyor-General, a public servant, recommended to the Minister of Land Management that he not approve the closure. The Minister accepted that recommendation. In response to the member for Schubert, I advise that it was a Labor Minister who accepted the recommendation not to close Barton Road. What did the Surveyor-General say about this matter? Listen very carefully, because I will not go on about it. This is the definitive ruling, this is the rule of law ruling on Barton Road. The Surveyor-General said:

The purpose of the Roads (Opening and Closing) Act is to provide a means of rationalising road and traffic needs and to dispose of old and unwanted roads while preserving the proprietary rights of individuals and the public in general. Roads are a public resource of the whole State and good reason must be shown for closing them against the public interest.

I hope that the member for Gordon is listening to this, because it is very important. The Surveyor-General continued:

Road closure should be the last resort of traffic management. There is no doubt that the 'illegal' closure—

and the Surveyor-General called it an illegal closure—

fulfilled an interim need during the construction of the north-west ring route to give a measure of safety and peace to residents in that part of North Adelaide while road works were in practice.

I want to interpolate there. I agree with him: there was a good reason for the temporary closure of that road in North Adelaide in 1987. The residents of Barton Terrace West deserved it, because a lot of commercial traffic was being diverted on to their road because of the construction of the north-west ring route. The closure was actually justified when it first occurred. The Surveyor-General goes on:

However, with the completion of the ring route, the Department of Road Transport expects that normal traffic flow via Barton Road would, by and large, be limited to the residents of Ovingham, Bowden and Brompton. Operating under the same criteria as the relevant authority—

that is the City Council—

I consider that the council has not demonstrated that the road is not 'reasonably required as a road for public use in view of the present and future needs of the area'. This is particularly so in view of the fact that the land is still to be used for State Transport Authority bus transit and because of the weight of valid objections by local persons to its closure.

That is local persons on both sides of the divide—local people in Ovingham, Bowden and Brompton, and local people in North Adelaide who want this road to remain open and want their two districts to be united. I want nothing more than my people on the lower side of the hill to move forward with the people up on the hill. I want those two suburbs to be united and for there to be free movement between them. The Surveyor-General concluded:

Sufficient grounds exist to sustain the objections of immediate persons affected and to retain the road in public ownership, particularly in view of the expressed purpose of the Act to preserve the proprietary rights of individuals and the public generally. There are even stronger arguments as to why the provisions of the Roads (Opening and Closing) Act, and ultimately the Crown Lands Act,

should not be used, based on the conflict in intended tenure/use of the land as set out in my report.

So what I put to the member for Gordon—and I hope he and the other Independents are listening—is that on the one occasion when the Barton Road closure was subject to a rule of law adjudication the adjudication was that the road should not close. It was only by a misuse of the temporary closure provision of the Local Government Act, which this Committee tonight has condemned by its vote in respect of access roads to the City of Adelaide, that the Barton Road closure was sustained.

All my provision does is subject the Barton Road closure to the same tests that every other access road to the City of Adelaide will now undergo. It is not truly a retrospective provision; it calls for due process for the first time in respect of Barton Road. I argue that all my clause does is subject the Barton Road closure to the will of Parliament. If Parliament wills that the road should remain closed, I will accept that. I will sit down and I will shut up, and I will shut up forever about it. All I ask is for Barton Road to have its day genuinely in Parliament. All I want is due process in respect of Barton Road. I urge members to support the transitional provision.

**The Hon. M.K. BRINDAL:** When the member for Spence promises this Committee that, if something happens he will sit down and shut up and he will shut up finally, he actually makes it an attractive proposition. I note that his voice is beginning to crack, so we can live in hope. For so many hours this evening and this afternoon we have been debating a Bill about the governance of the City of Adelaide. Yet if those who go through the *Hansard* analyse it, they will see that much of this debate has been deliberately hijacked by the member for Spence on a personal vendetta about one road. If he were genuine—and I accept what has been intimated to me that this is a retrospective provision—about the illegal or wrong use of section 359, that same ruling would have been applied by any justice or any person considering this matter to any closure under that section that was done in the same wrong manner.

If it has been done wrongly in the case of Barton Road, it has been done wrongly by other councils. If the member for Spence wants to take this Committee on a road that covers every council area in South Australia, reopening roads every time councils have done something wrong, let him say so, but let him not detain this Committee any longer on a personal vendetta about Barton Road. The Government has promised to look at the issue which he raises in respect of the Local Government Act, which is where it belongs, in discussion and in concert with the local government sector—the LGA and all councils that might be affected. This Parliament, as far as I know, is not the personal fiefdom of the member for Spence. This Committee has been too long detained by the member for Spence's personal fetish on Barton Road. I urge all members of this Committee to reject this puerile amendment.

**Mr ATKINSON:** I have a vast mailing list of people all over metropolitan Adelaide who want Barton Road reopened. I accept that, since the Adelaide City Council set the bad example of using section 359 of the Local Government Act, the temporary closure provision, to close Barton Road, other local councils, looking at what it got away with, have followed. One can hardly go a kilometre in any direction in the Adelaide metropolitan area without finding road closures that have been done since 1992 under section 359 of the

Local Government Act. I accept that local government has followed Adelaide City Council's bad example, and we can do something about that when the Local Government (Miscellaneous) Bill is before the House.

The Minister seems to be inviting a re-run of this entire debate tomorrow and Thursday. That is extraordinary. I do not think that any member wants a re-run of this debate. They would like it to be resolved now. It is the Minister himself—

**The Hon. M.K. Brindal:** Are you threatening the Committee?

**Mr ATKINSON:** No, I am not threatening the Committee at all, but it is the Minister himself who indicated to me that it may be more appropriate to have this debate in this Bill rather than the other Bill, so I took his tip and I had amendments prepared. You see, what the Committee has decided tonight on my earlier amendment is that it does not like the use of the temporary closure provision of the Local Government Act to close access roads to the city. I do not mind if residents of Molesworth Street decide to close Molesworth Street, and I do not mind if Adelaide City Council decides to close Chesser Place.

All I am concerned about with this and the previous amendment is access roads from the suburbs through the parklands to the built-up area of the City of Adelaide, which is the square mile and North Adelaide. I am concerned with those access roads. There is a hell of a lot of difference between closing a suburban road—your common or garden suburban road closure—and the closure of access roads from the suburbs to the built-up area of the City of Adelaide. There is the world of difference. And that is why we are considering this in the City of Adelaide Bill.

All I am asking for is due process for those thousands of people who are opposed to the Barton Road closure. The member for Adelaide and other members of the Government try to say that this is some personal fetish. The fact is that the member for Colton and other members have today received lots of telephone calls, faxes and letters from people living all over metropolitan Adelaide, including North Adelaide, who want them to vote to re-open this road. They have been lobbied, and the member for Colton read out some of those faxes tonight. I ask members: what other road closure, 11 years old, would attract such strength of public feeling?

I can go on radio and talk about the Barton Road closure and I do not need to introduce it because the audience knows immediately what I am talking about. It is the best known road closure anywhere in the metropolitan area, and that is because it is an access road from the western suburbs to the built-up area of the City of Adelaide. This is a very special road. What I am asking for is not retrospectivity; I am asking for due process for the first time. I want the many people who want this road reopened to have their day in this Parliament. If the member for Adelaide can win the vote in this Parliament, good luck to him; I will cop it, I will sit down and you will never hear from me again about Barton Road. But all I want is due process for this closure, and the Committee tonight has decided, by a quite solid majority, that it wants to treat access roads in the City of Adelaide quite differently from other roads. It wants special provisions to apply.

All I ask is that the Barton Road closure—which is a rort, and the Surveyor-General knows that it is a rort—reconsidered by the House in the same way the House would consider it its duty to adjudicate the closure of Jeffcott Road, War Memorial Drive, Bartels Road, Wakefield Road and Sir Lewis Cohen Avenue—all those other access roads. All I ask is that Barton Road gets its day in Parliament. This clause

does not reopen Barton Road; all it does is give Barton Road its day in Parliament, like the other access roads. So, I appeal to the Committee to give Barton Road its day in Parliament and its due consideration.

This is not a fetish. There are thousands of people in Adelaide who want the opportunity for this road closure to be reconsidered by the Parliament, and they have been contacting the key members of Parliament today. They have not been contacting the Minister and they have not been contacting the member for Adelaide, because they know that they are not worth contacting about this. But those members whose vote will make the difference have been contacted, and the concern of these people cannot be written off as my personal fetish. This issue, if it is not resolved tonight, will come back again and again and again, until members give in. So, tonight members have a chance to take it off the agenda. I implore members to do the right thing. I am not asking members to vote for a retrospective provision; I am asking members to vote for due process and fairness.

**The Hon. M.H. ARMITAGE:** I will take about one-twentieth of the time of the Committee that the member for Spence has taken in relation to this amendment. He indicated that local councils around South Australia have used section 359 of the Local Government Act to close local roads for local amenity—

**Mr Atkinson:** Permanently.

**The Hon. M.H. ARMITAGE:** Permanently—only because, and I quote him: 'they knew what the ACC got away with'. That implies that no Government has used section 359 to close a local government road permanently before that. That is incorrect. The simple fact of the matter is that this is not only related to the Adelaide City Council.

It does not surprise me at all that the member for Spence is able to get lots of people who do not live in the area who will be affected by the local amenity to say that they would like the road opened. I am not surprised about that at all. There would be many people who would like Gilbert Road opened. I am sure that there would be many people from other areas who would like the roads in the local electorate of Wright that have been closed by the City of Salisbury opened, and I am sure that the same would apply in respect of many people from the electorate of Ramsay, where the City of Salisbury has used the same local government section to close certain roads. If you do not live there, of course you do not care if someone is driving past: you want to go from point A to point B as soon as you can, and you could not care less about the amenity of the residents. That is exactly why local councils have this power under the Local Government Act to close roads for local resident amenity.

The electorate of Norwood has had roads closed under section 359. There would not be many people in the electorate of Norwood who would want them open, but there would be lots of people who would like to drive straight through the electorate of Norwood without worrying about where they might go and how often they interrupt people's local amenity.

I am sure that would be the case. I could find thousands, as has the member for Spence, but the very reason that section 359 is in the Local Government Act is so that councils in the electorates of Peake, Hammond, Wright, Ramsay, Frome, Fisher, Heysen, Bragg, Norwood, Spence, Price, Finnis, Coles, Colton, Hart, Newland, Mitchell, Kaurua, Napier, Waite and Unley can use it. The very reason those councils have elected to use it is for the very reason that the Adelaide City Council elected to use it: to protect local amenity.

For all those reasons, I believe that, if the member for Spence did not have a personal vendetta and was not locked into the class war of the 1920s and 1930s, he would be honest and indicate that he intended to move to insert a clause in the Local Government Bill which would cause every council that had ever used section 359 to open every single road—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** Well, I am looking forward to seeing what he does. It would cause every council to have every road in every electorate that has been closed under section 359 opened. Every single electorate and every single local member will be inundated with complaints, quite justifiably, because the local council has elected to use section 359—

**The Hon. M.K. Brindal:** Not to forget the cost.

**The Hon. M.H. ARMITAGE:** Not to forget the cost, as the Minister says. Section 359 of the Local Government Act has been used appropriately. I am not a bit surprised that the member for Spence is able to identify many people who would like to open this road because they could not care less about the residents of North Adelaide. Perhaps they are like the members for Hart, Ross Smith and Elder who have quite clearly identified that they detest the residents of North Adelaide. They have been absolutely frank about it. Perhaps these thousands of people who the member for Spence says cannot wait for the road to be opened are looking forward to driving through North Adelaide so that they can make the lives of the residents of North Adelaide hell. Perhaps that is what this is about.

The last thing I want to say in this respect—unless the member for Spence says something else which I need to rebut—concerns a letter from the Minister for Transport of 18 July 1994, which states:

Further advice from Crown Law indicates that council's resolution under section 359 is valid.

It goes on to refer to a particular person whom I shall not name and states:

[This person] is assuming that the road closure is illegal. As indicated above, Adelaide City Council has now followed the due process required under section 359 of the Local Government Act in which Parliament gave councils the power to close roads.

So, with regard to the question about legality and due process, I understand the Crown Solicitor has indicated that the council's resolution is completely valid. As I said before, this is a local government body making a decision for local amenity as nearly every local member's council has done. Accordingly, I contend that if the Committee votes for this retrospective opening of Barton Road it will be a negative move for the general area of local government.

**Mr ATKINSON:** The point I make is that, by itself, I do not think this clause requires Barton Road to be opened. What it does require is for the Adelaide City Council to go through the due process of submitting a resolution to both Houses of Parliament where it may be disallowed by resolution of either House. I do not know why the Minister is so afraid of that. Perhaps he can tell us by way of interjection. Perhaps he thinks that one of the Houses of Parliament will not support that particular road closure. I think that is his real fear.

The trouble with the Minister's argument is that it might be all right for a local council in the suburbs or in the country to close a minor road under the temporary closure provisions of section 359, but it is a great deal different for the Adelaide City Council, controlling as it does the access roads to the central business district and North Adelaide, to close a road by mere resolution.

The Minister is trying to tell the Committee that it is okay for the Adelaide City Council to pass a resolution by simple majority to close Bartels Road, Wakefield Road, Jeffcott Road and War Memorial Drive. The council could, by resolution, close just about every access road from the suburbs into the City of Adelaide and the Minister says, 'That is okay; there should not be any review.' Well, the Committee has rejected that proposition and I think it should reject it in respect of Barton Road.

Approximately 100 people on my mailing list from North Adelaide have indicated to me that they support reopening Barton Road. The Minister has gone on as if this is a war between North Adelaide and the rest of the metropolitan area. In fact it is not. There is substantial support within that area of western North Adelaide for reopening the road. The member for Colton tonight read out some of the faxes he received from people who live in western North Adelaide supporting the reopening of the road.

The reason municipal councils are using section 359 of the Local Government Act to close roads in the suburbs is not 'residential amenity'. The principal reason they are doing it is because it is easy to do under the Local Government Act. Normally they would do it under the Roads (Opening and Closing) Act. But if they had to do it under the Roads (Opening and Closing) Act, they would have to spend a bit of money. They would have to advertise the closure in the Messenger Press and in the *Advertiser*, give an opportunity to affected land-holders to make some comments, listen to people who objected to the closure and then submit the closure resolution to the Government. They do not want to go through all that hassle, and I do not blame them.

In 99.9 per cent of cases with respect to suburban road closures, no-one would be opposed to the closure, so why go through the rigmarole of the Roads (Opening and Closing) Act? I say they should go through it, because public roads are a public asset. That is why I think they should go through the procedure. They can probably save 500 quid by using the temporary closure provisions of the Local Government Act. Of course they will use those provisions. Adelaide City Council has just shown them how to do it—how to rot the system. Of course they are using that provision. It has nothing to do with 'residential amenity'.

They could do it under the Roads (Opening and Closing) Act, and I would have no objection to it, because they would have followed due process. What I object to is using the temporary closure provisions of the Local Government Act. The Minister's own sister-in-law told the Parliament that when section 359 was enacted it was a temporary closure provision—that it was about street fairs, the Christmas pageant and roadworks. She never contemplated that it would be used for permanent closures, and neither did the Minister of the day. No-one in the House expected that section 359 would be used for permanent closures. They were shocked when this provision started to be used for permanent closures, but its use became so extensive that it became hard to revoke.

Time and again in Parliament we have the Minister representing the Attorney-General—and I believe that is you, Chucky, at the moment—coming into the Parliament and saying, 'Look, we passed this Bill a few years ago. It operated in a way that was never intended, and now we want you to change it retrospectively.' They do it all the time. You come in here and move these Bills. What do I do? I support them on a bipartisan basis. If the provision was never intended to operate that way, it ought to be changed retrospectively.

All I am asking the House to do is what the Opposition does when it cooperates with the Government on a whole range of Attorneys-General Bills. If you think this is retrospective, do not come and ask me next time you want something fixed up, such as a Statutes Amendment, (Attorney-General's Portfolio) Bill. Next time, do not even ask. But the fact is, we have cooperated on a bipartisan basis to fix up mistakes in legislation all the time. This road closure is nothing more than a mistake in legislation. It ought to be fixed up. This will fix it up.

**Mr HANNA:** I simply want to underline that, although I am very conscious of retrospective legislation and all the reasons why, generally, it should not be supported, in my opinion the operation of this clause is not retrospective. It simply provides that the road is closed now for all intents and purposes: to keep it closed, those who wish it to be closed have to go through a proper process which includes public consultation. I think that is straightforward. It is not retrospective.

**The Hon. M.H. ARMITAGE:** As I understand the transitional provisions, new clause 38(1) would see any resolution of the Adelaide City Council under section 359, to all intents and purposes, expire six months down the track: in other words, Barton Road would not be protected by section 359 of the Local Government Act.

*An honourable member interjecting:*

**The Hon. M.H. ARMITAGE:** And the member for Spence says 'Yes.' New clause 38(2) provides:

The Adelaide City Council must. . . take reasonable steps to re-establish Barton Road, North Adelaide, as a road that is suitable for two-way movement of public and private. . .

I fail to see how that comes back before Parliament.

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** All I can say is that it is clearly identifying an opportunity, because of a personal fetish, to have something opened on a retrospective basis.

**Mr ATKINSON:** The answer to the member for Adelaide's query is this: if the transitional provision is passed, six months down the track the Barton Road closure will no longer be lawfully justified and it will have to be justified by some other means. Presumably, the Adelaide City Council, if it wants to continue with the Barton Road closure, will avail itself of the provision we passed earlier tonight whereby, if you want to close an access road to the City of Adelaide from the suburbs on a permanent basis, you pass a fresh section 359 resolution and you send that resolution to both Houses of Parliament, where there will be an opportunity to disallow it. Or, in the alternative, the City Council could actually go through a legitimate process, instead of temporary closure provisions, and actually use the Roads (Opening and Closing) Act and advertise its intention to close the road. I think some members opposite actually understand what I am saying.

If this new clause is passed, the Adelaide City Council has two methods for keeping Barton Road closed: first, the temporary closure provision of the Local Government Act, under which a resolution is put before both Houses of Parliament so we get the final say—I do not know what is wrong with that; or, secondly, the procedures of the Roads (Opening and Closing) Act, under which it gives due notice that it wants to close the road permanently, advertises it, hears what affected people have to say, and then sends that resolution under the Roads (Opening and Closing) Act to the Minister. You do not even have to send that closure decision to Parliament: you can send it to your own Government.

Given that you are the Liberal Government and given that you are a Cabinet Minister, I would have thought you could easily arrange the permanent closure of Barton Road under the Roads (Opening and Closing) Act. Why do you not do it the legitimate, honest and above board way instead of using a rort under section 359 of the Local Government Act? Again, I say that this transitional provision is not retrospective: it is merely requiring due process in respect of the Barton Road closure for the very first time.

The Committee divided on the new clause:

AYES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O. (teller)
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	

NOES (23)

Armitage, M. H.	Brindal, M. K. (teller)
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIR(S)

Hurley, A. K.	Olsen, J. W.
Wright, M. J.	Kotz, D. C.

Majority of 4 for the Noes.

New clause thus negated.

Schedule 1.

**Mr McEWEN:** I oppose the schedule.

Schedule negated.

Schedule 2.

**Mr McEWEN:** I move:

Page 20—

Line 1—Leave out '2.'

After line 14—Insert:

(3) References in this schedule to wards only apply if the area of the Council is divided into wards after the relevant day.

(4) The election for Lord Mayor is a separate election to the election (or elections) for councillors.

Clause 3, page 20, lines 25 and 26—Leave out 'and the wards referred to in section 21 and schedule 1'.

Clause 7, page 23, line 32—After 'as a whole' insert: in a particular election.

Amendments carried.

**The Hon. M.K. BRINDAL:** I move:

Clause 8, page 23, line 36—Leave out '97' and insert: 95.

This is a purely technical amendment which was alluded to by the shadow Minister earlier.

Amendment carried; schedule as amended passed.

Schedule 3 negated.

Clause 2.

**Mr ATKINSON:** These amendments in respect of the transitional provision were postponed, and now that the

transitional provision has been defeated I think that the Bill would be able to be proclaimed as originally planned.

**The CHAIRMAN:** If the honourable member reads the amendment, he will see that clause 32A was successful. There is a need for the member for Spence to move his amendments.

**Mr ATKINSON:** I move:

Page 1—

Line 16—Leave out ‘This’ and insert ‘Subject to subsection (2), this’.

After line 16—Insert:

(2) Sections 32A and 37 will come into operation on assent.

Whereas the rest of the Bill would come into operation by proclamation by the Government, clause 32A would need to come into effect on assent—fundamentally because I as the mover of the amendment do not really trust the Government to proclaim it.

Amendments carried; clause as amended passed.

Clause 4.

**Mr McEWEN:** I move:

Page 2, line 5—Leave out ‘schedule 2’ and insert ‘the schedule’.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

#### INDEPENDENT INDUSTRY REGULATOR BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1509.)

**Mr FOLEY (Hart):** At 11.59 p.m I thank the Premier for his assistance in sorting out the agenda for the legislation. Yes, we are dealing with the Independent Industry Regulator Bill. As the Deputy Leader is absent because of ill health, she has asked me to be the Opposition lead speaker. I intend to use the Opposition’s unlimited time allocation to make my contribution tonight. So, sit back and relax.

*An honourable member interjecting:*

**Mr FOLEY:** If we can debate the closure of a road for four hours, there is a fair chance I will have to take some time with this Bill. In all seriousness, I will only be brief—depending on one’s definition of ‘brief’. Clearly, this is one of a number of pieces of legislation with which we have to deal. The Opposition accepts that this Bill can be dealt with separately from the issue of privatisation of our electricity assets, which is currently being debated in another place. The Independent Regulator is a natural flow on requirement of competition policy, whether the market is wholly privatised, wholly in public ownership or, as may be the case with private entrants to the market over time, a mix between public and private ownership.

*[Midnight]*

This Independent Regulator model is based on the Victorian Economic Regulator. An Independent Regulator is operating in New South Wales which has seen disaggregation and activity within the national market already occurring. The Independent Regulator clearly will have a number of roles: in the early stages it will be required to regulate retail pricing to non-contestable consumers to 1 January 2003. The Regulator will regulate distribution network pricing and transmission network pricing that will be in a monopoly position and will be required to ensure, be that either a private or public monopoly, that it is not extorting excessive rents when it comes to the operation of those business functions.

The Independent Regulator will also be responsible for issuing licences to people participating in the South Australian electricity supply industry. That is retail businesses from Victoria and New South Wales which choose to set up operation in South Australia. It will be important to have an Industry Regulator to ensure that those businesses are operating as their licence requires and to ensure that all regulatory functions are adhered to.

The Independent Regulator will also have a role to promote competitive and fair market conduct, prevent the misuse of monopoly and market power, facilitate entry into relevant markets, promote economic efficiency, ensure consumers benefit from competition and efficiency, protect the interests of consumers and facilitate the maintenance of the financial viability of the industry. They are noble causes and requirements of the Independent Regulator. In Committee it will be important to flesh out exactly what that means and how those roles will be fulfilled by the Independent Regulator.

I note that the Government has endeavoured to ensure that the Independent Regulator is as independent of executive Government as possible, and clearly the inclusion of the clauses that mean that the Independent Regulator is not subject to ministerial direction is acknowledged by the Opposition as a move to ensure that that person may operate free of ministerial direction. The term of the contract of the Independent Regulator is five years. I do not necessarily have a problem with that. I will be questioning the Premier on issues to do with the removal of the Independent Regulator from office, and in Committee we will probe a few questions to ascertain exactly what is the Government’s understanding of that clause relating to the removal of the Independent Regulator.

We may choose to raise issues in another place if we are not satisfied with the answers. I am interested to note that the Independent Regulator initially will be funded from consolidated revenue. However, I note there is provision for an annual licence fee to be paid by electricity industry participants and for the fee to be set having regard to the cost of the operation of the Independent Regulator.

We will want to ask a number of questions relating to the structure, the number of officers or, in the lingo of Government, FTEs, in terms of staffing of the body itself. We will need to ascertain a little more about the powers of the Regulator. We will have to look closely at the issues relating to country pricing and the role that the Regulator will fulfil in terms of ensuring that consumers in the country continue to be cross subsidised. We acknowledge that in the legislation a commitment is given—and a more substantial commitment is given in the miscellaneous Bill—where the price paid by on grid small customers, as they are called in the Bill, will be applied to the pricing structures for on grid small customers in non-metropolitan areas.

Clearly, this is something that is of great concern to rural members in particular. I note that the Parliament is full of rural members who are very interested in that. The Independent members will doubtless have something to say about that but we will need to tease it out a bit because this is landmark legislation. It is a significant body that we are establishing and, whilst there may be words of comfort for the immediate future, we will need to be sure that follows through into the longer future. I acknowledge that those issues of country cost subsidy and pricing are perhaps more appropriately to the subsequent Bill that we will be debating perhaps tonight or tomorrow night (we are already into tomorrow).

We are creating a significant body and it is only appropriate that we offer a degree of scrutiny tonight. If there are issues that we find from tonight that we may wish to address further, we can look at amendments or further debate in another place. It is not necessarily criticism but an observation at this stage—and I will make more comment on this on the next Bill—but it is a process where, if the Government's objectives are followed through, we are selling a number of Government business enterprises and we seem to be creating for every one we want to sell a couple to replace them in public ownership, albeit different bodies. I refer to the new bodies being created: the Economic Regulator, the Industry Ombudsman, the Sustainable Energy Authority and the Industry Council. Then we have an advisory board to the Regulator. For good measure, I think we would give the Regulator the ability to have other advisory boards, as the Industry Regulator sees fit.

There is no question that we are heralding the birth of a whole new set of statutory authorities, advisory councils and boards, and doubtless they will be useful for different purposes in years to come. It is a reasonable observation that, in this new world of competition into which we are entering, bureaucracy seems to reign supreme. Probably, there is not much we can do about that and I suppose it is a reality. We will want to pursue the issue of the Regulator a little further. As we see in Victoria, the gas industry is the next on the market in terms of opening up for competition and there will be a role in the gas industry for the Economic Regulator in Victoria. In the second reading speech a brief reference is given that the Industry Regulator may have other roles over time and I would be interested to know what they might be.

I indicate that the Opposition will be supporting the legislation in this Chamber, with the caveat that, if there are matters from this process that we feel may need to be addressed, amended or debated more fully, we reserve our right in the Upper House to do so at a later stage.

**The Hon. G.A. INGERSON (Bragg):** It gives me pleasure at this early hour to make a short contribution to the debate. The biggest change is from a position where we have Government ownership and protection under the one roof, where in our existing model we basically own the industry and give the consumer protection. We are moving to a model which was interestingly described by the member for Hart, who said we have created a whole range of new regulatory bodies—statutory authorities—which hopefully will give us consumer protection, the Industry Ombudsman, some fairness in terms of pricing and, most of all, independence. That is really the issue that I want to talk briefly about tonight.

I have had a special interest in electricity and for a short period I had the privilege of being the Minister responsible for ETSA and Optima. I remember a couple of discussions that I had with the member for Hart on this issue, and about what he believed in and what he did not believe in and what he used to tell people that he believed in. It is interesting to note that, sometimes, statements made in public are different from statements made in private, but that can be left for another day. That is the reality of some of the political differences that people in this place have.

One of the most important issues is the setting up of the new Industry Regulator. It will be established under this special legislation and it requires appointment by the Governor, so clearly it is a very independent position. As I have said on several occasions, when we consider what has been done around Australia with regard to deregulation, we

have created more regulated bodies than we had before, and it will be interesting in 10 years time when we look back on this process to see whether the cost of deregulation and the establishment of the new regulated bodies has reduced the cost of the provision of power or any other service that we have attempted to deregulate. In 10 years time, we will be able to look back to see whether deregulation has done what we hoped it would do, and that is reduce the cost to the consumer, provide better safety and general guidelines for the provision of electricity.

The new Independent Regulator will be responsible for the regulation of pricing and will monitor, promote and enforce service standards. It is interesting to note that, at the moment, significant service standards are not in codified form but, as all members know, ETSA and Optima have developed unwritten standards over a long time. They are not codified, and this new system will make that possible. The new Independent Regulator will establish a consumer consultative committee, and that will be set up to make sure that we involve the consumers in this process far more than we have in the past.

There is specific enforcement of industry codes, with significant penalties up to \$250 000 or suspension of licence. New people in the industry will see the suspension of a licence as far more costly than a \$250 000 fine. As far as regulation is concerned, the Industry Regulator will in essence control all the franchise customer prices up to the year 2000, and that includes transmission, distribution and cost of energy. The Regulator, with these franchise customers, will until 2003 operate under an electricity pricing order, and the prices will be contained within the CPI during that period. After 2003, all customers will be able to choose their own retailers, and then they will get into the national market and will be able to see the benefits that will come from it.

Under the legislation, the scheme will ensure that small customers in country areas will not face price rises in excess of 1.7 per cent over that which corresponds to small city customers. That is an important issue in that the Government has moved to make sure that there is not a significant differentiation between the city and the country. We as a Government have always seen the need to make sure that people in country South Australia are not significantly disadvantaged, and this price control will, in essence, do that. The ongoing price control and distribution will come up in 2003, as will transmission, and after that the ACCC, which is the Federal body, will take over the transition pricing after 2003. Service standards is an issue which needs to be looked at and codified, and clearly this new body will do that. Again, any breach of licence conditions will create significant financial burdens.

I thank the Parliament for giving me the opportunity to make those few comments. It is an important move to recognise the independence of and protection for consumers. Basically, it is an important move away from the Government being the owner and setting those standards. It is a recognition that, as you move into a national market, you need to separate those two important parts of ownership, and pricing and standards. I look forward to seeing this happen quickly, and I hope the sale of ETSA and Optima will happen quickly so that we can get on with really reducing the debt in this State and with putting the State back to what it was some eight or nine years ago before the State Bank disaster put us into the position we are in today.

The sale of ETSA and Optima is the single most important issue that this Parliament will decide in its current four year

term. If the legislation is passed and it enables the Government to get on with putting behind it the disaster of those past eight or nine years, we as a State will be able to look forward to prosperity and give our young children the opportunity they deserve from our Government.

**Mr LEWIS (Hammond):** 'Our unwillingness to examine at length and in depth the nature of political problems and to debate political policies with tolerance and mutual respect is a serious flaw in our democracy'. Those words were uttered today by former High Court Chief Justice Sir Gerard Brennan. In the context of this debate that has considerable relevance in that the proposed Regulator will have the power to fix prices, and that, of course, will be in the public interest and, as we see things at present, that would not cause anybody any concern. However, this legislation is blind to one possible threat to its relevance, that is, the determination of centralist bureaucrats in the *Yes, Minister* saga in Canberra advising National Rail simply to nominate the railway from Port Augusta to Leigh Creek as being a railway they will take over. In consequence of doing that, they will deny fair pricing on that service by, in the first instance, making perhaps a bid for it lower than its commercial cost and getting the business; then screwing up the price of freight to the power generator that buys the coal mine at Leigh Creek and the power houses at Port Augusta, thereby destroying the viability of that company's operation to mine the coal and turn it into electricity in the power houses at Port Augusta.

The legislation as we see it then does not take into consideration the bloody-mindedness to which South Australia's interests might become subjected through that mischief emanating from Canberra. I regret very much that, as it stands, this could mean we miss getting the maximum possible price for that asset.

I, like other members on this side, including the Premier who has put this proposition and the member for Bragg who has supported it, also support it. I also support it as being a piece of legislation vital to the future of South Australia as part of a total package of legislation relevant to the movement, the shift, of the generation, distribution and retailing of electricity from the public domain into private hands where the risk will be better managed, rather than carried by taxpayers. However, having made that point very clear, I am simply contributing to this debate in this very deliberate way because I may have an interest in the matter as time goes by—who knows what those of us as members of this place may end up becoming involved in as shareholders, of one kind or another, in business.

I am interested in the mining operation at Leigh Creek, and that interest will be affected by the way in which this legislation operates in the event that it passes, and I wish it swift passage. Having made that remark, it is not made out of mischief but rather to sound a note of warning to everybody that it is not as simple as it seems, and God knows it is complex enough. I therefore urge the Premier to point out to the Prime Minister and the Federal Minister for Transport that they should simply say 'hands off' the railway line between Port Augusta and the coal mine to enable that to be sold as part of the total package, without its being subject to any other miscreant activity which is being pursued at the present time for control of railways in this country. That is the reason for my having quoted Justice Brennan from today's newspaper at this time—23 minutes past midnight. It is not out of mischief: it is just out of concern that there are ramifications that we still have yet to address.

**The Hon. J.W. OLSEN (Premier):** I thank members for their contribution to this Bill. This piece of legislation is part of a package of measures I introduced recently which give effect to the commitments I gave to the House on the process that we would undertake to move down the path of removing risk; giving us the capacity to, in part, eliminate debt in the sale of our power utilities, and build in a degree of protection for consumers and residents in country and regional areas of South Australia. We are attempting to do that by legislative process, so that being embodied in legislation the principles about which we talk are in statute and, in statute, are therefore clearly quite binding on the parties that would seek to purchase subsequently these assets and the way in which they will be operated afterwards in the interests of the citizens of this State.

I again thank members for their support in being ever vigilant as it relates to the Commonwealth Government and assets and the transfer of assets. I can assure the honourable member that only about an hour ago I was talking to the Prime Minister on a number of issues.

**Mr Foley:** Have you got a scoop?

**The Hon. J.W. OLSEN:** Nothing at all by way of a scoop.

**Mr Foley:** At 11.30 on a Tuesday night you were talking to the Prime Minister.

*An honourable member interjecting:*

**The Hon. J.W. OLSEN:** Well, he was. I think he had just arrived somewhere in the northern part of Queensland. So, he was on a plane for a couple of hours. I make the point to the honourable member, even as late as this evening, that we are pursuing this State's interests.

*Mr Foley interjecting:*

**The Hon. J.W. OLSEN:** The what?

*Mr Foley interjecting:*

**The Hon. J.W. OLSEN:** I believe that, at this hour, I should leave it. I thank all members for their contribution and look forward to going into Committee.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

**Mr FOLEY:** Will the Premier outline in more detail the functions of the Industry Regulator? Clearly, the office will have a very complex role to play. I am interested in this issue—and we will talk about pricing; there is a section on pricing. But at this stage will the Premier outline the functions of the office of the Industry Regulator?

**The Hon. J.W. OLSEN:** The knowledge really does not have to be tested, because clause 5 lists in quite significant detail the functions of the Regulator: to regulate prices and to perform licensing functions—as per a second reading speech and statements that I have made on a number of occasions to the House; for non-performance, to apply fines to licensees; and, for continued breach, to have the capacity to remove licence—therefore, quite a powerful Regulator in that respect; to ensure that there is compliance with the standards that have been established; to put in place the consumer consultative processes; to ensure that there is input; to advise (as it says here) the Minister on matters referred to by the Minister; to look at misuse of monopoly or market power; to ensure that we do not have a situation that arises where the misuse of a monopoly or market power could be to the detriment of consumers—both large, commercial, small and medium businesses and household consumers; and to ensure that the benefits are passed on to consumers. One of



the real thrusts and purposes of us pursuing this course is not only to eliminate the risk of trading in the national electricity market but to ensure that benefits that we have seen established overseas and interstate are the sorts of benefits, in dollar terms and savings, that also get passed on to our consumers.

**Mr FOLEY:** In relation to the issue of the Regulator until 2003 and the rate of return that will be set by the Regulator on the transmission and distribution businesses, I understand that that has been a matter of debate in Victoria, where the Regulator has brought down an interim position—I believe a rate of return of 7 per cent, if my memory is correct. Will that be the role of our economic Regulator here—that they will set a rate of return on the transmission and distribution businesses consistent with Victoria?

**The Hon. J.W. OLSEN:** When the Regulator set the price in Victoria—to date, it is only a draft determination—that price related to the competition and risk in respect of that industry vis-a-vis other industries. I am advised that the price set by the Regulator in respect of the gas industry in Victoria cannot be used as an example for the higher risk volatile electricity industry that would apply in South Australia, because the circumstances are different. It might be about a 7 per cent plus rate of return in Victoria in respect of a gas industry that is partly protected, but those circumstances are markedly different from our situation.

Challenges have been made to the 7 per cent in the draft determination. The advice that we have from the respective authorities is that that would not be an appropriate benchmark for us, because gas and electricity are different and because the market circumstances in Victoria and South Australia upon which the rate is set are different.

**Mr FOLEY:** I do not doubt what the Premier says but, if that determination is purely for the gas industry as it exists in Victoria, what sort of benchmark can we expect in South Australia? The Premier might have some views which he does not want to foreshadow to the market, but are we talking about a higher or a lower rate? What are the sort of ballpark figures that we can expect?

**The Hon. J.W. OLSEN:** I do not want to telegraph to the market exactly what the rate might be, but I am advised that in Victoria the electricity rate is about 9.2 per cent and that it is expected that the gas rate might come close to that. According to the ACCC, some of the pricing in the gas industry in Victoria was based on the fact that it might have a rate of return not dissimilar to that of the electricity industry. Therefore, if you use that criterion the rate would be similar to that which applies in Victoria. However, we have not nominated a figure and there have been no detailed discussions as to what the percentage rate of return would be.

**Mr CLARKE:** My question may relate to clause 20 which deals with price regulation, but clause 5(2) relates to the performance of the Industry Regulator's functions. It provides that the Industry Regulator must have regard to certain needs, one of which is of concern to me. It relates to whether or not there is sufficient emphasis in this legislation to cover a situation where, for example, you could have electricity distributors in Victoria with surplus power who want to capture the market share. It is a bit like Coles or Woolworths who are prepared to discount prices to below cost to ensure that they get their share of the market. They have the economic capacity to do that.

That sort of thing would endanger a publicly owned ETSA and Optima Energy in South Australia (which I believe it still will be) or even if it is privately owned. I do not think that

this legislation covers adequately situations where a competitor comes into the market at a price that is below cost (like Coles or Woolworths) to squeeze out smaller organisations to capture a bigger share of the market and, ultimately, as they eliminate their competitors, to increase prices. Is the legislation sufficiently broad to ensure that the Industry Regulator looks at that type of an issue of a competitor coming into the market and deliberately reducing its prices to below cost so that at some future time it can squeeze its South Australian competitor to its detriment and the long-term detriment of consumers in this State?

**The Hon. J.W. OLSEN:** There would be a number of retailers who would participate in the market. If a retailer was constantly selling electricity to consumers at below cost, because of the number of retailers in the market, and because of the competitive nature of the market, they would drive themselves bankrupt very quickly. The honourable member referred to a Woolworths or a Coles. When the market opens up, there is nothing to stop Woolworths around Australia purchasing its electricity—

*Mr Clarke interjecting:*

**The Hon. J.W. OLSEN:** My understanding is that, because of the wires and poles business, we have one distributor in South Australia. We have a number of retailers in South Australia using that single set of poles and wires to distribute the power. Consumers are entitled to purchase from any one of the retailers as they see fit. Therefore, there is a constant competitive marketplace. It is unlike the grocery analogy.

I go on to the point I was wanting to make. There is nothing to stop Woolworths shortly, when we go into the national market, saying that every Woolworths store in Australia connected to the national electricity market—those in New South Wales, Victoria and South Australia—can actually buy from a retailer and get a bulk price for doing so. That is part of the market. That market will be there, whether or not we privatise the assets. That will be the circumstance either way. That being the case, this legislation is not relevant to that but for this: the Regulator at least puts in place some checks and balances in the system that would otherwise not be there.

**Mr CLARKE:** With reference to clause 5(2)(d), to promote economic efficiency, it goes back a little towards what the member for Hammond was saying earlier, if I got correctly the gist of what he was saying about the loss of sovereignty in this area to un-elected bureaucrats. It seems to me that the Industry Regulator has significant powers and it may well be, for example, again with our own power authorities here, whether they be privatised or publicly owned, that the Industry Regulator could in effect say, 'We want you to downsize your staffing levels. We think your employment levels are too high. We think you should contract out or sack X number of workers. You should close down even more of your country depots. We believe you should close down Leigh Creek coalfield or whatever, because we do not believe that for you to continue on this line adds to economic efficiencies. If you do not take my advice, if you do not do as I ask you to do in this area, in my capacity as Industry Regulator, you may not get the price increase or whatever else the power authority is seeking', again whether it be private or whatever. This is basically what I fear. I appreciate the national competition policies and the 1991 Keating Government's legislation in this area which I think is a disaster for States, but basically what you will have is a bit like the European union being ruled by bureaucrats from

Brussels and it does not matter much about sovereign Parliaments.

**The Hon. J.W. OLSEN:** The term 'to promote economic efficiency' is to ensure that the efficiency gains are passed into the economy of South Australia for the benefit of this State and to ensure that we are not disadvantaged vis-a-vis other States. The downsizing to which the honourable member refers was started by the Arnold Government and continued by this Liberal Government. The process has been in place for five or six years, and the advice that we have been given and the reason why we are offering and are able to offer a degree of security of tenure for employees up to point of sale—and in the enterprise agreement we are offering beyond the point of sale—is based on the fact that the operations in labour content are down to that economic efficient level.

In any event, attrition rates over the next three or four years would take account, in the main, of any circumstance. We do not have the position as existed in Victoria. When the industry went through its privatisation, it was an over-staffed industry which had to go through massive changes. But, because of the work and restructuring that has been undertaken since about 1992 in South Australia, that does not apply. A lot of the pain has been had and we are at levels that will not require that sort of consideration by Government or the private sector in the future.

Principally, this is to promote economic efficiency, and it comes back to the point I was trying to make earlier today. When Jim Wiemels told me that the Ford plant in Victoria was purchasing its power at just under 25 per cent lower than the cost of purchasing power at Elizabeth—I think that was the figure he used—he said, 'What are you going to do about it? We want to expand Elizabeth, but do not expect us to be continuing to expand if your power bills are a lot higher than those that apply in Victoria. Ford is our competitor in this domestic market and we cannot afford to have input costs higher than the others.' They are the cogent arguments which are put but, as it relates specifically to the question about staffing levels, in the main the advice to us is that that has principally been addressed.

**Mr CLARKE:** I appreciate what the Premier is saying about the staff reductions that have occurred over a period of time under both Liberal and Labor Governments. They were conscious decisions by Governments, with Governments being answerable to the public, to the people generally through the ballot box and to this Parliament. Here, it would seem to me, we are potentially giving to the Industry Regulator the authority to say to the new owners or managers—or even if it stays, as I suspect, in public ownership—'As part of my function to promote economic efficiencies, I believe you should contract out all your work force beyond that which is already being done.' In fact, because of the Industry Regulator's powers to set prices, that is a strong weapon for this un-elected bureaucrat to be able to wield over the management, public or private, of that power authority.

There is nothing in what the Premier has said that allays my fears that an Industry Regulator could do what I have just said, that is, say, 'I will not lift your prices unless you, in my belief, to promote economic efficiencies, contract out all your staff,' if that is the decision of the Industry Regulator and if that Industry Regulator's view is that it promotes economic efficiency in the power industry without regard to social consequences or the State as a whole.

**The Hon. J.W. OLSEN:** It is well beyond the scope and powers of the Industry Regulator and the role and function

clearly defined in the legislation and in the second reading explanation upon which any subsequent challenges or judgments would be made.

*Mr Clarke interjecting:*

**The Hon. J.W. OLSEN:** They are used as a guide.

*Mr Clarke interjecting:*

**The CHAIRMAN:** Order!

**The Hon. J.W. OLSEN:** The data that we put down in speeches and the content of the legislation clearly indicates that the Industry Regulator is not the manager of the business. To take the honourable member's point, he is suggesting that the Industry Regulator is the board of directors and the decision makers of the company. That is not the case at all.

**Mr VENNING:** I refer to clause 5(2)(f), which refers to protecting 'the interests of consumers with respect to reliability, quality and safety of services and supply in regulated industries'. I have supported this Bill very strongly as a country member representing country people and I have no problems supporting it, as long as we have the following guarantees: first, that the price gained for ETSA is at a sufficiently high level to advantage the State and to pay our debts; and, secondly, that we are able to guarantee that reliability of service for country clients. I know the Premier has given me that commitment previously. Will the Premier confirm that country people will be guaranteed a safe, reliable service and quality power, without the voltage drops from which we have been suffering in recent times?

**The Hon. J.W. OLSEN:** The package of measures before the House clearly indicates that in pricing no consumer will pay greater than 1.7 per cent variation at the extreme. So, there is pricing protection. I point out to the Committee that, if we do nothing, pricing protection stops on 1 January 2003. Country consumers have had equality of pricing, but by our doing nothing or rejecting these Bills they will be at the mercy of the ACCC in setting transmission and distribution prices, a role and function of Governments historically in this State moving off.

Secondly, and importantly, in relation to standards, as I have indicated to the House, a minimum service standard shall apply, and the maintenance of those minimum service standards is referred to in the Electricity (Miscellaneous) Amendment Bill. So, the standards that have been achieved and the maintenance of the infrastructure as we know it today are the benchmark upon which they have to be maintained in the future.

Clause passed.

Clause 6 passed.

Clause 7.

**Mr FOLEY:** On the issue of independence, I take it that the officer is not subject to ministerial direction. To what Minister would the Regulator be reporting?

**The Hon. J.W. OLSEN:** The Treasurer.

Clause passed.

Clause 8.

**Mr FOLEY:** Some concern has been expressed in my Caucus about the process of the removal of the Industry Regulator. What was the reasoning behind the structure of the role of the Minister in referring the matter to a Supreme Court judge for determination, as against provisions in other Acts?

**The Hon. J.W. OLSEN:** To ensure that the removal of the Regulator is separate from the political process.

**Mr FOLEY:** Thank you. I should have checked with offices such as the Auditor-General's Office. Do I understand that this requires the approval of the Parliament?

**The Hon. J.W. OLSEN:** I think it requires a resolution of both Houses.

**Mr FOLEY:** Why have you chosen this method rather than the same method you would adopt for the Auditor-General?

**The Hon. J.W. OLSEN:** What we are doing is establishing a Regulator, as it relates to a commercial enterprise, in which there are substantial private sector investment funds. It was the view that, whereas the Auditor-General is an officer of the Parliament, obviously the Parliament, not the Executive, ought to make that determination. We wanted to ensure that the political process did not interfere with the Regulator, whose principal task was in the commercial sector, not the political arena, as is the Auditor-General, who is the public watchdog reporting to the Parliament. By taking it out to the Supreme Court judge, you actually separate it from political interference of any kind. Of course, the decisions of the Regulator impact against commercial decisions and shareholders' funds.

**Mr FOLEY:** What is the expected remuneration band of this office?

**The Hon. J.W. OLSEN:** I am advised that it would be of the order of \$180 000.

**Mr CLARKE:** In terms of the political process, the Premier says that he wants to eliminate the ability to remove the Regulator from office by resolution of both Houses of Parliament. We do it for any member of the Supreme Court, the Employee Ombudsman, members of the Industrial Relations Commission and a number of other people who hold office under various Acts of Parliament where they can be removed only by resolution of both Houses of Parliament: this does not apply just to the Auditor-General. In many instances those people are dealing with commercial cases perhaps as a judge, and it could involve many millions of dollars, or it could be an industrial relations commissioner deciding on arbitration cases, in many instances affecting the Government as an employer, again perhaps involving many millions of dollars in extra costs for wages and conditions that might be awarded.

This also acts as a safety net where the Parliament finally has a say as to whether or not the Industry Regulator is removed from office. It does not involve just the Executive Government, where a Minister, presumably with the approval of Cabinet, makes an application to a Supreme Court judge to deal with this matter of removal. It seems to me that in its legislation this Government is really saying that this Parliament is irrelevant in relation to the removal of the Industry Regulator. The Government is saying that it intends to sell its power assets to the private sector, that the national competition policies require us to have an Industry Regulator who has significant powers in terms of pricing and overseeing the general conduct of the business to ensure that the public interest is served and that the Parliament has no role to play in ensuring that the Industry Regulator carries out his or her duties properly.

It is simply Executive Government, and then only by actioning an application to the Supreme Court, where a judge of the Supreme Court will determine whether that person should be removed from office. The Parliament itself will have no say in that. The Parliament itself will not necessarily be able to direct a Minister to initiate action. One House might, but it is really just Executive Government. And the irony of it is that the position of an unelected official charged with looking after the public good on the setting of prices and the conduct of competition in the electricity industry will

ultimately be determined by a Supreme Court judge, who is also unelected but who is subject to a removal by both Houses of Parliament—but not the Industry Regulator.

It does not make sense to me that the parliamentary process can be so completely bypassed. At the very least, I would have thought that we should pretend that State Parliament is a bit more relevant than it actually is; that the Industry Regulator can actually be removed by resolution of both Houses of Parliament. It does not happen every day, and having this sort of legislation in force with respect to our Supreme Court judges and the like has not caused the world to stop. I would have thought that it would at least retain the role of Parliament in something that is very political, that is, the public interest being served, and that we as elected parliamentarians have a role to ensure that that actually takes place.

**The Hon. J.W. OLSEN:** The honourable member is painting a totally inaccurate picture. Parliament is the legislator. Parliament still has the capacity to alter the legislation in the future at any time it sees fit. I put to the House that the Ombudsman and the Auditor-General are effectively officers of the Parliament. The function of the Regulator is totally different from the functions of the other officers. This is about regulation of a commercial enterprise to generate benefits for business and individuals alike, and I simply point out to the honourable member that, when he says Parliament is bypassed, it is quite the contrary.

Parliament is the legislator and Parliament can amend the legislation at any time it sees fit. It has ultimate control: it is supreme at the end of the day. Further, there is no fairer way to ensure impartiality in decision making than to have a Supreme Court judge make determinations in the matters as identified in the Bill.

Clause passed.

Clause 9.

**Mr LEWIS:** I note that the clause gives the Minister powers to act until an Industry Regulator has been first appointed. I am not sure who is responsible for looking into what is going on in ETSA at the present time; however, I put this to the Premier and put it on record so that the matter can be dealt with. A constituent of mine at Monarto was quoted in September of last year a net amount of about \$7 000 to have three phase power connected from the 11kVa line passing along the road frontage of his property. Now he has been quoted \$53 000 for the same connection, and I wonder why there has been the sudden escalation in cost for exactly the same service. I do not know how to fathom the reasoning behind such an escalation in cost, but it strikes me as quaint.

**The Hon. J.W. OLSEN:** If the honourable member is able to give me some details about the property owner concerned, I will be more than happy to have the matter examined. If there is a quote and it varies from \$7 000 to \$53 000 in the space of 12 months, I would want someone to explain to me how that could occur. I would be more than happy to take that up. One of the benefits that I hope will come out of this national market is that instead of relying on the monopoly supplier—ETSA—for your power connection, where it is take it or leave it and, if you do not like the price, lump it—because you will not get your power without it—we hope to get a range of competitors in the market and, for once, you will be able to shop around. If you can shop around, you can get a deal and a price for connecting power that is more commensurate with the actual cost of delivering that power—not the return on the asset that is the benchmark currently used by ETSA which in my view is inappropriate.

I will be more than happy to take up that issue for the honourable member.

**Mr FOLEY:** What is the expected time frame for the appointment of the Industry Regulator?

**The Hon. J.W. OLSEN:** The search is currently under way for an appropriate person to undertake the task, and we would expect the Industry Regulator to be in place within two to three months.

**Mr VENNING:** What happens if the Regulator either dies or is suspended? Does the Acting Regulator take over, or can the Minister assume that power?

**The Hon. J.W. OLSEN:** The Acting Regulator would take over.

Clause passed.

Clause 10.

**Mr FOLEY:** I want to get an idea of the shape and size of the office of the Industry Regulator. What is meant by Associate Industry Regulators? Are we talking about one, two or three short-term or long-term appointments? What is envisaged?

**The Hon. J.W. OLSEN:** To undertake specific tasks or short-term projects on behalf of the Regulator.

Clause passed.

Clause 11.

**Mr FOLEY:** What is the expected size of the office of the Industry Regulator? What ball park number are we talking about in this bureaucracy?

**The Hon. J.W. OLSEN:** I cannot give a specific answer to the honourable member. Scoping is being undertaken at the moment. Victoria, which has a far larger role than would be the case here, has approximately 40. We would not expect it to be anywhere near that number here.

**Mr FOLEY:** Clause 11 provides:

The staff of the Industry Regulator. . . may comprise—

(a) persons employed in the Public Service of the State and assigned to assist the Industry Regulator—

obviously, these people will transfer from existing Public Service positions—

(b) persons appointed by the Industry Regulator on terms. . .

I take it that they are contract persons. Do you envisage a mix of Public Service employees and contract positions?

**The Hon. J.W. OLSEN:** Yes.

**Mr CLARKE:** I refer to paragraph (b), which refers to persons appointed by the Industry Regulator on terms and conditions determined by the Industry Regulator. Are those employees to be subject to the Public Sector Management Act? Who will set the salary scales? Will we find a very highly paid group of people hired on salaries chosen at the whim of the Industry Regulator without the normal checks and balances of the Public Service Management Act?

**The Hon. J.W. OLSEN:** The Minister approves the budget for the Regulator, but they will not be Public Sector Management Act employees. As we previously discussed, people will be on secondment, other direct employees and some on contract. It will depend on the individual circumstances of their employment, but the Minister at the end of the day signs off on the budget.

**Mr CLARKE:** The Minister may sign off on the budget. Whilst not all of the staff will be at the high end of the scale in terms of salary and conditions, is the Premier saying that it will be entirely at the discretion of the Industry Regulator to say that this person is appointed on this salary at six months long service leave after three years of service, and a severance package beyond that allowed for under the Public

Sector Management Act? The Industry Regulator might say that this person can be appointed for a five year contract and if you get rid of that person in the meantime they must be paid out the whole of their five years.

I remember that the former Premier, now Minister for Human Services, criticised the former Labor Government for allowing such contracts to come into force. When you came to Government in 1993 it was the night of the long knives and you got rid of a number of CEOs in the Public Service. They had to be paid out the unexpired portion of their five year contracts, which was very expensive, and the Government of the day said it would never again allow such a situation to occur. It brought in the Public Sector Management Act so that one only got paid out a maximum of three months for each uncompleted year of service of one's contract.

The Premier is saying in this legislation that the Industry Regulator can have any terms of contract of employment, including severance, annual leave, superannuation benefits and any other package arrangements that the Industry Regulator thinks is desirable. He or she may be able to achieve all of that within the overall global budget approved by the Minister at the end of the day, but some employees may do well out of the contract and the minions will get less. At the end of the day the Industry Regulator has total discretion as to the form of the contracts that may be entered into.

**The Hon. J.W. OLSEN:** We have the member painting a scenario that is unrealistic.

**Mr Clarke:** What did you say about Bruce Guerin?

**The ACTING CHAIRMAN (Mr Brokenshire):** Order! The Premier has the floor.

**The Hon. J.W. OLSEN:** It is totally unrealistic. The Minister signs off the budget and as if any Minister worth their salt will sign off a budget under the conditions that the member has just put forward—six months long service leave after three years of service. That is unrealistic and the honourable member knows that it is unrealistic.

*Mr Clarke interjecting:*

**The Hon. J.W. OLSEN:** You can argue the point, but most people would see the proposition of the honourable member as being that.

**Mr CLARKE:** The issue I am raising is a valid one because the legislation gives that power to the Industry Regulator. The Premier may say it is totally unrealistic. There have been the Tim Marcus Clarks and the Bruce Guerins in relation to whom this Government roundly criticised the former Labor Government for the type of contractual arrangements entered into. Your Government deliberately brought in changes to the Public Sector Management Act to ensure that those sorts of things—being paid out for a full five-year contract if you have only done one year—have been ruled out.

The Premier cannot escape from the fact that the Industry Regulator, under his own legislation, can do such things as I have suggested—six months long service leave after three years—and, provided it is within the total global budget approved by the Minister, what the Industry Regulator does within that global budget is entirely at the Industry Regulator's discretion. There is no ministerial oversight and no legislative prevention that stops that. That is pure and simple: it is what the legislation states. You might say it is unrealistic, but you will not be round to be responsible when some balls up occurs.

**The Hon. J.W. OLSEN:** I do not mind sensible propositions being put before the Committee, but I do take exception

to inane propositions, as the honourable member is now putting before the Committee. The Minister signs off on the annual budget and I bet that the member cannot give one example of anyone getting six months' long service leave after three years of service. That is his proposition. Give me one example.

*Mr Clarke interjecting:*

**The Hon. J.W. OLSEN:** Give me one example. The honourable member cannot do that. It just indicates how stupid the suggestion is.

Clause passed.

Clause 12.

**Mr FOLEY:** To have a clause in a Bill that highlights consultants is of concern. Consultants are becoming so mainstream in Government activity—

*Members interjecting:*

**The ACTING CHAIRMAN:** Order! I draw the member for Hart back to the clause.

**Mr FOLEY:** Consultants have become so mainstream in Government that we are now enshrining them for all time in legislation. Obviously, a body such as this will have the need from time to time to engage consultants, but I am concerned that we are now having them included in the legislation. Hopefully within the next three years I will be occupying the office of the Treasurer of South Australia and, given that I will be the Minister who will have oversight of this office, I will want to know why we need such a specific provision in the legislation for consultants and whether or not we are looking at any control over that area. I acknowledge that the budget will be signed off between the Treasurer of the day and the Industry Regulator, but I am somewhat surprised by the clause.

**The Hon. J.W. OLSEN:** It simply makes it clear that the Industry Regulator for short term specific tasks needs clear professional expert advice where it is far more expensive to keep it in house on a permanent basis. He can bring people in to do short term quick consultancies and buy in the professional advice as and when the circumstances require it. That is no different from what operates in the commercial arena.

**Mr FOLEY:** I doubt that, but obviously the Industry Regulator would meet regularly with the Treasurer of the day and I assume it is envisaged that such consultancies would be referred to the Minister if they are of such size as may cause concern.

**The Hon. J.W. OLSEN:** I would certainly expect so. If you have oversight responsibility and accountability to this Parliament you would want to know what was going on.

**Mr CLARKE:** The Premier chided me about an inane example that I gave but, under this clause, which deals with consultancies, what is interesting is that we can use the Premier's own examples of the very generous terms and conditions that he as Minister for Infrastructure negotiated for Kortlang as consultants and for Geoff Anderson and Alex Kennedy, who was his adviser in the lead-up to the last election.

We do not have to look any further than the Premier's own very generous appointments in terms of consultancies to see how costs can run away. We also know that the Minister signs off on his own budget line, but those extraordinary costs of \$650 000 for Kortlang, which were not identified in any budget item prior to the financial year in which they were incurred, were incurred by the Government. In fact, the proposition that I originally put with respect to clause 11 is

not so far-fetched, looking at the conduct of this Government to date.

Again with respect to this clause we are handing over to an unelected official significant powers to incur significant costs on any terms or conditions that that person deems appropriate, without any accountability to this Parliament whatsoever or to the Minister of the day. As I say, the Premier might not be around to worry about it—

**The ACTING CHAIRMAN:** I ask the member to make his remarks relevant to the debate.

**Mr CLARKE:**—when the chickens come home to roost, but his words will be read back to him in his retirement. Unfortunately, it will be up to others of us to clear up the mess that I am sure will occur.

Clause passed.

Clause 13.

**Mr FOLEY:** This issue will also be discussed in the next Bill. What is the expectation of these advisory committees? Will they be paid committees? Will they be large committees? What sort of committees are envisaged to be required by the office?

**The Hon. J.W. OLSEN:** I referred in the House today to consumer advisory committees, and I have referred to them on other occasions. We want this process to involve and embrace the views of different sections of the community and we are simply putting in place structures to enable that to happen. I made a ministerial statement today that indicated that we would move ahead and put some advisory committees in now, particularly for the drafting of some of the regulations and the structures, so that they had input from the very start, not input post decisions being made.

**Mr FOLEY:** Are these expected to be paid committees and, if so, what sort of costs are we talking about?

**The Hon. J.W. OLSEN:** They would receive some sort of remuneration not dissimilar to the hourly sitting fees, but not annual packages.

Clause passed.

Clauses 14 to 17 passed.

Clause 18.

**Mr FOLEY:** I do not expect the Premier to be exact, but what is the anticipated annual budget of the office?

**The Hon. J.W. OLSEN:** As the honourable member indicated in his question, it is difficult to be precise. As I have indicated in answer to a previous question, the scoping study of the office of the Regulator is still being undertaken. I can arrange to get for the honourable member the cost of the operation of the Victorian Regulator office and make that available to him.

**Mr FOLEY:** I also link my remarks to the reference in the second reading explanation in which you indicated that, initially, the office will be funded from consolidated revenue but that there will be provision for moneys to be recouped via the licence fees paid. Is it envisaged that this will eventually become a totally self-funding body, totally off budget?

**The Hon. J.W. OLSEN:** Yes.

**Mr FOLEY:** What sort of time frame are we talking about? Is this a step process over a number of years, or is it coming up to speed quickly?

**The Hon. J.W. OLSEN:** It depends on the passage of the enabling legislation through the other place. If you are looking at the sale process over a period of some 18 months towards the end of 1999, by full calendar year in 2000 I would expect it to be self-funding.

**Mr VENNING:** Why did the Minister use the term 'from time to time'? Why do we not use the word 'annually' so that

the Regulator is required to report annually? That is very vague. Why not be more specific?

**The Hon. J.W. OLSEN:** The term 'from time to time' may have been used because the Minister wanted quarterly reports or at least wanted them on an annual basis. A further clause requires that the Auditor-General receive reports from time to time but at least once a year. So the accounts have to be prepared for the Auditor-General at least annually. The term 'from time to time' may have been used so that the Minister can request reports on a regular basis.

Clause passed.

Clause 19 passed.

Clause 20.

**Mr FOLEY:** I want to come back to this issue of the rate of return. The Premier mentioned that Victoria has a draft determination by the Regulator for the gas industry, which obviously will have implications for our assets. The Premier talked about a 9 per cent or 9.5 per cent rate of return in Victoria. What is the rate of return on the ETSA transmission and distribution business?

**The Hon. J.W. OLSEN:** I will obtain those figures for the honourable member.

**Mr FOLEY:** The Industry Regulator's assessing the rate of returns is an interesting concept, and I am intrigued as to how, at the end of the day, the Regulator will get access to that information—that is assuming on the off chance that these assets are privatised. This must be a very extraordinary economic Regulator who I assume will be able to get access to the financials of the business. Given the way private enterprise will operate and the nature of these multi-nationals if they were to buy these assets, I am at a loss to understand how they will open up their books and allow this guy to say, 'I am here from the Government; show us your accounts. I want to see whether you are making a 7, 8 or 9 per cent rate of return.' How is that expected to be operated by that office?

**The Hon. J.W. OLSEN:** Part 5 clearly mentions the collection and use of information and the Regulator's access to the information and the requirements on him once he is in receipt of that. It does not seem to have dampened the price of asset sales in Victoria having the Industry Regulator there with access to information. Neither has it impacted against the United Kingdom experience.

**Mr FOLEY:** I am not passing comment on whether it has impacted on the price people are prepared to pay or whatever. These things will take a while to settle down. If the economic Regulator is not satisfied that he or she is getting access to appropriate information, as well as the legislative ability of this Bill, will the ACCC, NEMMCO or NCC provide any national support? What if there is conflict between the electricity entities and the economic Regulator in terms of the provision of information?

**The Hon. J.W. OLSEN:** The ACCC, obviously, because it will set transmission pricings post 1 January 2003, must have access to similar information.

**Mr FOLEY:** These questions are probably more appropriately dealt with under the Electricity (Miscellaneous) Amendment Bill, but I am interested in the issue of the cross-subsidisation between the metropolitan consumers of power and the country consumers of power. Obviously the economic Regulator will monitor that very closely. If he detects that, over time, there are problems in that cross-subsidy will the Regulator have the power to instruct the distributor on that or will the Regulator report back to Government? How do you envisage that occurring?

**The Hon. J.W. OLSEN:** The postage stamp pricing is actually in the legislation, so the Regulator will be bound by the legislation which requires the maintenance of the maximum 1.7 per cent variation in pricing for consumers, no matter where they are located in South Australia.

Clause passed.

Clause 21.

**The Hon. J.W. OLSEN:** I move:

Page 8, line 4—Before subclause (1) insert:

(a1) Before making a determination, the Industry Regulator may send a copy of a draft of the determination—

(a) to the Minister; and

(b) to each licensed entity to which the determination will apply; and

(c) to any other person the Industry Regulator considers appropriate.

Amendment carried; clause as amended passed.

Clause 22.

**The Hon. J.W. OLSEN:** I move:

Page 9, line 21—Leave out \$100 000 and insert: \$250 000

**The Hon. J.W. OLSEN:** This amendment increases the penalty from \$100 000 to \$250 000, a significant increase in the penalty application. I commend the amendment to the Committee.

Amendment carried; clause as amended passed.

Clause 23 passed.

Clause 24.

**Mr FOLEY:** Will this office be open to the full range of FOI requirements?

**The Hon. J.W. OLSEN:** I refer the honourable member to clause 25(6) on page 12.

Clause passed.

Clause 25.

**Mr FOLEY:** Subclause (6) states that information classified by the Industry Regulator as being confidential under subsection (1) is not liable to disclosure under FOI. It is defined in Part 1. Obviously, clause 25(1)(b), the determination of what is commercially sensitive, will be an issue, but obviously the Ombudsman will have the power to determine whether the Regulator has made a correct assessment there.

**Mr CLARKE:** Subclause (6) refers to 'Information classified by the Industry Regulator as being confidential'. Do I take it that that is challengeable by the State Ombudsman as to the appropriate definition of what is confidential? Clause 25(1)(b) provides:

is commercially sensitive for some other reason, is, for the purposes of this Act, confidential information and a person performing. . .

I am concerned as to whether or not the ability of citizens or members of Parliament being able to access freedom of information is no less than what currently applies in respect of other Government agencies and authorities.

**The Hon. J.W. OLSEN:** As discussed previously in the Committee, queries were raised as to the powers of the Regulator to access a whole range of commercial information from a private sector company. What we are clearly indicating here is that, if the Regulator is going to be able to get all range of data from a private sector company which is commercially sensitive, but the Regulator needs that to set the prices, to ensure performance, that private sector company should not be put at a disadvantage by the disclosure of that commercially sensitive information. That is principally the reason. You cannot have it both ways.

On the one hand, I was questioned in the Committee about the extent to which the Regulator can gather all this information in and his powers to get whatever he wants in and, if he is able to do that, there have to be some checks and balances that he does not abuse and misuse that information to the detriment of a commercially trading enterprise. This is trying to find that fine balance between the Regulator protecting the State's interests in collecting all this information in but we have to ensure that the Regulator does not abuse that to the detriment of the company that has invested in the State.

**Mr CLARKE:** The Premier, I believe, has answered my question in a different form. What the Premier is saying is that, in fact, the access by citizens or members of Parliament to be able to challenge the withholding of information by the Industry Regulator, because that person has deemed certain information as being confidential, is less than applies with respect to other State Government authorities and agencies. I see that the Premier has nodded: I take it as an assent, but he can speak for himself shortly.

If that is the case, that greatly concerns me, because, whilst I am fully aware of the reasons why the Premier has said that we have to be careful about commercial confidentiality, we also have seen what has happened with respect to the water contract, the Healthscope contract and a whole range of other contracts in relation to which, when the Opposition has sought to obtain information, just the mere words 'commercial confidentiality' has been used by the Premier to withhold large slabs of information from the Parliament. Indeed, when we saw the water contract in its entirety, through a leak, a great deal of it is not necessarily as commercially confidential as the Premier would have liked us to believe.

What also concerns me is that it appears that not only will we have less access under freedom of information than we have had with normal Government agencies but there will not be the same right of appeal mechanisms. If the Industry Regulator says that something is commercially confidential, that is it—full stop. The decision rests with that person only. The Ombudsman would have no discretion to override the interpretation of the Industry Regulator as to what is commercially confidential, and that decision could not be challenged in the courts as it appears that the Industry Regulator will have an absolute discretion and his or her decisions as to commercial confidentiality will not be reviewable by any other body.

**The Hon. J.W. OLSEN:** The honourable member's interpretation is correct. The term 'commercially confidential' was not invented by me. For nine years in Opposition I heard that term used to cover a whole range of issues. So, I was well educated in respect of the term 'commercially confidential'. I have no doubt that Governments of the future, when the reality of administration descends upon them, will do likewise.

Clause passed.

Remaining clauses (26 to 43), schedule and title passed.

Bill read a third time and passed.

#### ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL (NO. 2)

Adjourned debate on second reading.

(Continued from 22 July. Page 1517.)

**Mr FOLEY (Hart):** Again, as the Opposition's lead spokesperson, I intend to take unlimited time, although I may

seek leave to continue my remarks later. This Bill is a complex piece of legislation. Much of what was said in respect of the Independent Industry Regulator Bill covers this Bill, which involves a number of aspects related to a wide range of functions and not just the Industry Regulator. As I indicated earlier, another body is to be established. I refer to the Electricity Supply Industry Planning Council, the board of which will consist of, I think, five members. It is good to see that another statutory authority will be put in place.

This Bill will also provide for the establishment of advisory committees and will cover issues such as licensing arrangements through to price regulation. A number of cross subsidy issues between the country and metropolitan Adelaide will be addressed and will require some questioning by the Opposition. Also the issues concerning protection of property and infrastructure will require some further scrutiny. As to the undergrounding of power lines, I hope our colleague Senator Schacht is not aware of this provision or we could be getting faxes from Canberra.

*The Hon. M.D. Rann interjecting:*

**Mr FOLEY:** Did he phone? If he knows we are debating the undergrounding of power lines, I will not be surprised.

*The Hon. J.W. Olsen interjecting:*

**Mr FOLEY:** It might not be a bad angle. It is a very complex piece of legislation in terms of picking up a number of miscellaneous items. Issues to do with cross-ownership are important, as is the ability for the industry to re-aggregate should it be privatised. We will raise a number of those issues in Committee.

I noted the second reading explanation of the Premier. I could have a fair guess as to who would have authored it, because it is not until about page 7 or 8 that we get to anything remotely involved in this legislation. It starts off with the political rhetoric that we have come to know from the Premier and his speech writers—

*The Hon. J.W. Olsen interjecting:*

**Mr FOLEY:** I have a feeling this is probably from a consultant or two. I can actually pick some of the language.

*The Hon. M.D. Rann interjecting:*

**Mr FOLEY:** I am not sure whether Geoff used to write a lot of speeches but his ideas found their way into speeches, and I have a feeling that a few of his ideas have found their way into this speech. The Leader of the Opposition comes in for a bit of stick, as does the Opposition in general—not normally the topics of second reading explanations. Normally second reading explanations are a little more dignified and structured around the intent of the legislation. I suspect that the authors of this second reading explanation on behalf of the Premier just thought they would have a bit of a crack at the politics of the issue.

*The Hon. J.W. Olsen interjecting:*

**Mr FOLEY:** I am not being critical. I am just observing the fact that we stroll into Roxby Downs and we stroll into the 1970s. We stroll into all sorts of things, including New South Wales Labor Premiers. I have to say that it was an interesting read. It is one of the more interesting second reading explanations I have read. I think I can pick some of the input. Page 7 is when we first get to anything remotely involved in what this Bill is about. I was wondering what the miscellaneous Bill was all about when I was asked by my Deputy Leader to carry this Bill through the Parliament for her. As I said, we finally get onto a few things.

It is almost as if the writer of this explanation, having put the pen down after political rhetoric, started to include fact, but could not help it. I suspect a few people might have been

involved in writing this explanation. As you work your way through the explanation, you get a feel for what the Bill is about. Just for good measure, they cannot help themselves. Page 12 is a re-write of all the old lines. Competition payments are thrown in and it starts asking us questions. It is a somewhat amusing second reading explanation. But that is really neither here nor there.

The Opposition reserves its position on this Bill. We will raise a number of issues in Committee, and we may well wish to amend, oppose or have further debate on this. I understand that the Independents, who, as we know, have been hanging off every word we have uttered during the past couple of hours, are moving amendments. We will look at those amendments overnight. My first view is that they seem to be useful for someone and we probably will not have a problem with them.

My initial reaction to this Bill was that we should not be debating this legislation until we know the outcome of the sale legislation which is in another place. While some things in this Bill are required regardless of whether the electricity assets are in public or private ownership, some elements of the Bill may not be required if the sale process is not agreed

to. I thought that the proper process for this legislation would perhaps have been for it to proceed after a position was determined by the Upper House in terms of the sale legislation. However, that is not to be, so we are debating this Bill while the future of our electricity asset is unknown due to the debate occurring in another place. We will look at this legislation tomorrow and ask some questions and, as I said, we will reserve our position until the Bill is dealt with in another place, where we may seek to amend or oppose some elements of this legislation.

**The Hon. J.W. OLSEN (Premier):** I thank the member for Hart for his contribution and I look forward to the discussion in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

#### ADJOURNMENT

At 1.50 a.m. the House adjourned until Wednesday 5 August at 2 p.m.