HOUSE OF ASSEMBLY

Tuesday 9 March 1999

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

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 36 and 105; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

KANGAROO ISLAND FERRY

In reply to **Mr WRIGHT (Lee)** (24 November 1998).

The Hon. J. HALL: As Australian Ferries Pty Ltd has issued legal proceedings against the Government in relation (*inter alia*) to the termination of its continued use of the port facilities at Kingscote and the Patawalonga harbour, the matter is now before the Courts and is *sub judice*. Therefore the Government is not in a position to make any further comment.

SEPARATION PACKAGES

In reply to **Ms WHITE (Taylor)** (18 November 1998).

The Hon. M.R. BUCKBY: The TVSP offers for 1998-99 have now been completed. In this round of offers there were a total of 100 packages available for teachers. The number of requests for offers of TVSPs was sufficient to allow all 100 TVSPs to be utilised. This was done with the majority of teachers completing their employment with the department on 18 December 1998.

Some termination dates were held over until 20 January 1999 as follow-up offers required teachers to have sufficient time to consider their financial options.

In addition, 14 TVSPs were offered and accepted by principals and deputy principals.

YOUTH AFFAIRS POLICY

In reply to **Ms KEY (Hanson)** (18 November 1998).

The Hon. M.K. BRINDAL: While there may have been several changes in Ministers responsible for Youth Affairs over the past 22 months, departmental support has been continuous with the result that no departmental expenses have been incurred in relation to new letterheads, compliments slips or other identifying departmental documents.

Youth SA, the unit servicing the Youth portfolio, has continued to use existing letterhead by utilising an additional sticky label to identify its new departmental relationship under the Department of Education, Training and Employment. This was incorporated into the letterhead when new supplies were required.

It has been the practice through the ministerial changes for the existing supply of Youth SA brochures to be used until none remain. Reprints have incorporated the new Minister.

Youth SA has continued to operate from the same location during the period indicated, so no relocation expenses have been incurred in this respect.

The cost associated with the upgrade of office space on the 9th floor of the Education Building to suitably accommodate the Minister was $11 475. These costs represented a one-off allocation from the department's minor works accommodation budget and were not included in the Youth Affairs recurrent budget.

DRUGS

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

Leave granted.

The Hon. J.W. OLSEN: Last Friday I attended a Leaders' forum on drugs in Melbourne. This issue is one that in some way touches the lives of all Australians. The question of whether or not to have a heroin trial has been vigorously debated in the public domain over the last few weeks, and was the central topic of discussion at the Leaders' forum. My Government's position, as I stated to the House last week, has not changed as a result of the forum. I am still awaiting the outcome of a parliamentary select committee which is examining the heroin problem, and therefore still have an open mind.

The number one priority for the Government on this issue is that the Government and the community work together to prevent the tragedy of drug addiction and help those who are dependent on drugs to overcome that dependency. The key to that is to ensure that any drug strategy must be as comprehensive as possible. This includes early intervention strategies for prevention, education, reducing demand, reducing supply and offering solutions to those who, despite all this, choose to use drugs of dependence.

Already in South Australia we have a number of heroin related trials underway aimed at helping heroin addicts to become drug free. The naltrexone, methadone and buprenorphine trials that are underway have over 500 participants, with varying levels of success. Interestingly, Queensland will soon be trialing naltrexone so, in many respects, we are ahead of the other States and Territories in terms of these trials. However, clearly, they are only part of the answer and part of the bigger picture. What works for one person may not work for another, which is why our drug treatment programs must offer a range of programs and options.

At the Leaders' forum the role of the Defence Force in monitoring the amount of drugs entering the country was discussed. A more proactive role for the Defence Force may be a useful tool in limiting the supply of illicit drugs, and that is an issue that will be taken up with the Prime Minister. Another proposal put forward to reduce the supply of illicit drugs was the possibility of mandatory minimum sentences for repeat drug traffickers. We must continue to be tough on those criminals who want to import and sell drugs to Australians. The concept of drug courts was also raised at the forum. We are interested in this concept and have asked the Attorney-General to continue to investigate the possibility of implementing such a system in South Australia on a trial basis.

Diversionary programs such as this may be an effective way to steer some, who have a drug problem, away from illicit drugs before it is too late. However, it must be part of a strategy across Government and across the community. No single Government or non government agency can find the solution. It requires input from areas including education, health, family and youth services and from the criminal justice sector. The leaders who attended the forum agreed that greater cooperation between States and Territories is also needed to increase the effectiveness of drug strategies. We must share what we know, if something works, to inform the other States and Territories. Research on alternative chemical treatment trials should be shared between the States and Territories.

A national approach to researching the causes of social breakdown that can lead to drug dependence should be adopted and a national review of drug patterns and trends would provide invaluable data from which innovative prevention programs could be developed. The States and Territories will also evaluate work camp options with a focus

on lifestyle and discipline, development of skills and confidence. These work camps could be an alternative to prison for some drug offenders and form part of a comprehensive rehabilitation program. As an aside, I refer to the program Operation Flinders, which assists youth at risk before they undertake the detention system in South Australia, to give them encouragement to get back on track.

The commitment given at the forum to pursue these aims is an important step towards increasing the effectiveness of current drug strategies. Equally important is the development of a clearly identifying set of responsibilities of the States and Territories and those of the Commonwealth. States and Territories must assume the responsibility for awareness, education and treatment of the drug problem as well as criminal justice aspects of dealing with drug offenders. However, Federal Government support through funding and drug subsidies for clinical treatment would be a great benefit and is urgent and needed. So, too, would be Federal funding for evaluation of pharmacotherapy trials throughout the States.

Importantly, the Leaders' forum reinforced harm minimisation as the central plank of any drug strategy. We need to reduce the harm that illicit drugs cause addicts and the rest of society. This means preventing overdoses, reducing the incidences of blood borne diseases, educating children to keep them away from drugs, reducing the crime related activities of drug addiction and providing addicts with an identifiable path to abstinence. Yes, we must be tough on those who bring drugs into the country and sell them to our children, but we must understand that drug addiction is a health problem, not just a criminal justice problem. But in the long term we must, as a community, not just the Government, attack the problem at its source, discover all the causes which lead to drug dependence and put our resources into addressing these causes. The States and Territories are committed to that course.

As I mentioned to the House last week, as part of gaining a better appreciation of the problem and its consequences, I have arranged to spend a night with the emergency ambulance service that responds to drug related health problems. I am going out with the service to experience first hand the human cost of drug dependence and abuse. We have to offer these people hope and we have to be able to offer choices. We have to acknowledge that there are no simple solutions. At the Premiers' Conference next month this issue will be discussed at length with the Prime Minister. This will require funding by the Commonwealth to the States and Territories so that we have consistently effective programs amongst all the States and Territories.

It is a fact that no matter how strongly a State Premier or Territory Chief Minister feels about offering a heroin trial as part of a comprehensive drug strategy, the Commonwealth Government can prevent it. The Customs Act 1901 and the Narcotic Drugs Act 1976 both prevent a heroin trial from becoming reality. However, if the Commonwealth Government were supportive, permits could be issued to allow the importation or manufacture of heroin for the purposes of a clinical trial. I would be supporting an approach to the Prime Minister to allow a State or Territory, who wish to, to pursue this option if it feels it is necessary to do so: it is an issue of fundamental States' rights.

This is an issue of such importance that an open mind on any potential solution is an absolute necessity. But, more importantly, I repeat my constant theme. Everyone has to pull together to solve the problem of drug dependence and drug trafficking. The House can be assured that my Government and I are committed to working with the South Australian community, the Governments of the other States and Territories and the Commonwealth to achieve more effective long-term results.

SALMONELLA

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I wish to inform the House of matters relating to the recent salmonella outbreak. Members will be aware that yesterday morning the public was advised not to drink Nippy's, Aussie Gold and Orange Grove fresh chilled juices on the basis that they were strongly suspected to be the source of the recent outbreak of salmonella. Retailers were advised to withdraw these products from sale, and distributors, schools, hospitals and institutions were advised.

I would like to acknowledge that the management of Nippy's immediately agreed to cooperate on a voluntary basis and has continued to cooperate fully with the staff from the Communicable Disease Control Branch and Environmental Health Branch of the Department of Human Services. Later in the afternoon, the South Australian Health Commission upgraded its advice to a formal order under the Food Act prohibiting the sale of Nippy's, Orange Grove and Aussie Gold fresh fruit juices produced by Nippy's Natural Fruit Juices. This occurred when the pathogen in a sample of the product was formally identified as salmonella. It will be Wednesday or Thursday before we are able to type the salmonella to confirm whether or not it is the same salmonella which has caused the 74 cases of food poisoning.

It is important that the community has faith in the public health system. Following the Garibaldi case and recommendations by the Coroner for a review of procedures, comprehensive changes have been made. Perhaps one of the most significant of those is the way the Public and Environmental Health Service of the Department of Human Services monitors, on a daily basis, any potential food poisoning outbreaks within the community. I will outline to the House that process, as it should give South Australians a great deal of comfort to know that the best practice in Australia is in operation.

Someone who eats contaminated food may develop symptoms within a few hours or anything up to 10 days or more later. It has been estimated that perhaps only 5 per cent of those who suffer from food poisoning see a general practitioner. Some may consult a doctor immediately. Others may consult a doctor after a few days if the symptoms persist. Their general practitioner may then take faecal samples to test for the particular pathogen. They may also be admitted to hospital. The general practitioner may then submit faecal samples to a public or private pathology laboratory for analysis. That analysis may take around five days to fully identify the specific organism involved.

Each afternoon or evening, the laboratories automatically fax as a matter of routine their daily test results to the Communicable Disease Control Branch of the Department of Human Services. Each morning the epidemiology review meeting analyses the results of the previous afternoon and evening and decides if an abnormal pattern is occurring. In particular, the specialists look for a sudden increase in the reports of pathogens. In such circumstances, interviews are

carried out with people affected. This is not an easy task, as people are being asked questions about all food sources consumed up to two weeks earlier. From this interview work they may identify up to 300 food categories that have been consumed. The team then attempts to narrow this down into more common food categories and then particular brands that have been consumed. Similar survey work is undertaken on a random group not affected by the contamination.

A sophisticated computer analysis is carried out in order to compare the infected versus the non-infected groups to then identify possible sources of food contamination. Tests are then carried out on those possible food sources. However, it may be difficult to obtain the contaminated food that was consumed up to two weeks previously.

To highlight the effectiveness of this new procedure, South Australian authorities identified the interstate food poisoning through peanut butter at least 24 hours ahead of any other State, and several days ahead of the majority of States of Australia. Last year South Australia was able to identify a food borne outbreak of national significance originating in food produced in another State before any other State had detected the problem. Members would appreciate that it is very much attempting to find a needle in a haystack and will applaud the rigour, speed and effectiveness of the team within the Department of Human Services who have worked tirelessly over the weekend to identify the probable source of contamination in this salmonella case. I am able to inform the Parliament that it was last Thursday's epidemiology review meeting which decided to launch a formal case control investigation, and the public was advised that day. In the handling of this incident, correct procedures were followed by Dr Hall and his team of specialists.

This unfortunate incident serves as a reminder to everyone involved in food handling—producers, processors, retailers and the community—that it is essential to maintain the very highest standards of care and hygiene when handling food. I assure the Parliament that the Public and Environmental Health Service of the Department of Human Services takes its responsibility very seriously and will continue to monitor its practices and procedures to maintain best practice in the interests of the health and well-being of the people of South Australia.

PAPERS TABLED

The following papers were laid on the table:

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

Senior Secondary Assessment Board of South Australia—Report, 1997

By the Minister for Local Government (Hon. M.K. Brindal)—

Corporation By-Laws—
City of Port Adelaide Enfield—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Council Land
No. 4—Caravans and Camping
No. 5—Inflammable Growth
No. 6—Creatures
No. 7—Lodging Houses
No. 8—Aqueous Waste.

QUESTION TIME

ACCELERATED DEPRECIATION ALLOWANCE

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier join with me, and hopefully with business and trade union leaders, in a bipartisan approach to the Howard Government to support the continuation of the accelerated depreciation allowance, given South Australia's position as a manufacturing and mining State?

The Ralph discussion paper on business taxation reform has canvassed the abolition of the accelerated depreciation allowance, an idea that has found favour with the Federal Treasurer. Accelerated depreciation helps capital intensive investment in manufacturing and mining, in particular. The latest ABS figures show that South Australia had the largest decline in private new capital investment of any State, with investment in the mining and manufacturing sectors falling by 72 per cent and 41 per cent, respectively, in the three quarters to September 1998. Today I have written to the Prime Minister to raise these concerns: let us do it in a bipartisan way.

The Hon. J.W. OLSEN: It is important to look at the Ralph committee report in its entirety and not to take out a component of the report and treat it in isolation. That does not indicate the importance of accelerated depreciation allowance for upgrading of the manufacturing base and the large capital investment in the mining industry in South Australia. In fact, it has been this Government, working through the Centre for Manufacturing, that has worked on a range of programs for enterprise improvement and upgrading in plant and equipment to ensure that our manufacturing base is internationally competitive.

The reason why our export figures are at an all time high, that we are out-performing every other State in Australia, that we have more countries to which we export than any other State of Australia (EFIC's figures, for example, indicate that we export to 140 countries throughout the world; other States' maximum is 90 countries) is brought about by manufacturing industry that is internationally competitive. I have talked before in this House about the human resource, the work force in South Australia, the industrial relations record in this State and the importance of that for new private sector capital investment. Not only is it important to attract new investment, it is also important in the unit cost of production, which is the base upon which our companies can access international market opportunities for the goods and services out of South Australia.

I have indicated previously on a number of occasions that where Federal policies relate to South Australian manufacturing industry we have a clear and single-minded focus to ensure the protection of the manufacturing base of South Australia; it has the capacity to expand and grow and that has been the basis upon which we have taken up a number of initiatives with the Commonwealth Government. After almost six years of Liberal Government policy in this State, last year we saw new private sector capital investment in this State increase over other States of Australia substantially; our increase was of the order of 24 per cent compared with the national figure in the order of 5 per cent or 6 per cent, if my memory serves me correctly.

Those figures do not come just as a matter of course. They come as a result of a range of policies put in place to attract the investment. It is also incumbent upon us, as we have

pursued, to market South Australia and the investment opportunities that are there; to look at the manufacturing base in South Australia and say, 'Where are the threats to our manufacturing industry in this State? How do we ensure that we minimise those threats?'

Federal Government policies, of course, have an impact on that. That is why we have been prepared to take up a range of Federal policies with the Federal Government. But we need to look at the Ralph committee report in its entirety. What are the benefits for retained earnings for business? If the company tax rate is reduced substantially and if, as a result of the introduction of a goods and services tax, we have the abolition of FID, BAD and stamp duties on a range of financial transactions, we are doing exactly what the Leader wants us to do: to position industry so that we can produce a washing machine or a motor car, or whatever else it might be in the IT area, for example, and access that on cost, quality and reliability of supply into the international marketplace.

It is a mix of policies out of Canberra that is important—not treating one in isolation. But, that said, the endeavours of this Government will always be to work towards the support of our manufacturing industry and also to look at the emerging industries in the next millennium: to not only look at the protection of our existing base, but to seek out in a policy thrust direction those industry sectors that have growth in the next millennium. That policy direction is equally important.

YOUTH WAGES BILL

The Hon. G.A. INGERSON (Bragg): Will the Premier inform the House of the impact on young South Australians of a decision by the Federal Senate to block the Commonwealth Youth Wages Bill?

The Hon. J.W. OLSEN: The members of the Australian Labor Party and the Democrats in Canberra, and particularly in the Senate, ought to be condemned for the move.

An honourable member: And Harradine.

The Hon. J.W. OLSEN: And Senator Harradine from Tasmania. Of course, Senator Harradine's vote was totally irrelevant without the support of the Australian Labor Party in the Senate, and it will have a disastrous impact for young South Australians and their employment prospects. The move will cost jobs at both a national and State level. The abolition of junior rates of pay will increase youth unemployment in this State, which is already at unacceptably high levels—35.4 per cent. Later in the week, the Minister for Government Enterprises will be introducing State legislation to retain junior rates of pay.

We might well ask the question, as approximately 30 000 jobs in this State are at risk: what is the Opposition's policy? Silence—deafening silence from the Labor Party. Clearly, it does not have a policy. What does the Leader of the Opposition, the former Employment Minister, say to a policy direction of this Government which will protect jobs for our young people, and about 30 000 of them? Silence, again.

Members interjecting:

The SPEAKER: Order! Interjections are out of order; members cannot respond.

The Hon. J.W. OLSEN: I am glad that, after six years, we actually have the Opposition practising a bit of decorum in the Chamber. I well understand that it suits members opposite: they have no retort because they have no policies upon which to base their interjections in the Chamber. The United Trades and Labor Council has said that it opposes the maintenance of junior rates of pay, so I can assume that, given the links between South Terrace and the Australian Labor Party on North Terrace, it will dictate to the Labor Party that it adopt its consistent 'Just say no' policy and put jobs at risk.

I am not inviting interjections; a simple 'Yes' or 'No' would have done from the Labor Party in this respect, but it is not even prepared to go down that track. We know that the Labor Party even has great difficulty saying 'Yes' or 'No' to the media. Last week it was the Leader of the Opposition who could not answer the question whether he would abolish the levy that we will have to apply if his Party blocks the legislation for the sale or lease of ETSA. Bipartisanship extends only to those issues which are identified by the Leader of the Opposition as being bipartisan, not to those generally in the State's interests.

The State's interests get passed over to one side and the political one-upmanship of the Leader gets brought to centre court. The Leader of the Opposition was asked on the ABC whether he would abolish the ETSA levy if he were elected to Government. He was asked about eight times but he could not say 'Yes' or 'No.' He could not get to answering the question. I understand the member for Hart had a bit of difficulty last night coming to grips with this question. He sort of moved around it until, in the end when he was pushed, he said, 'Yes, I would like to.' I think that is a half a 'Yes.' Clearly, we have a bit of difference here: the Leader of the Opposition is not prepared to say 'Yes' or 'No'; and, under a bit of pressure, the member for Hart actually says 'Yes.'

Members interjecting:

The SPEAKER: Order! The member for Elder.

Mr CONLON: I rise on a point of order, Sir. The Premier should be answering the substance of the question about a Federal Bill concerning, as I understand it, youth wage rates. The answers of either the member for Hart or the Leader of the Opposition do not concern that matter.

The SPEAKER: I have heard the explanation of the point of order. I uphold the point of order in that the Premier is, from time to time, straying into debate and coming back to the substance of his answer. I would ask that he try to keep himself within the substance of the answer.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Thank you, Mr Speaker. It is about junior rates of pay; it is about legislation to be introduced in this Parliament; and it is about a policy decision announced in Canberra yesterday that will have an impact on about 30 000 young South Australians. I wonder whether the Leader of the Opposition wants to stand outside a McDonald's store, as they say that because there are no junior rates of pay they will not employ young South Australians. Does the Leader of the Opposition want to stand outside a McDonald's and say that to young people as their services are terminated? He ought to because it is a no-policy zone. The Opposition has no policies.

Recently we saw the Leader of the Opposition indicate that he is going to New South Wales to help Bob Carr and the Labor Government be re-elected. I wonder what the Leader is telling Premier Carr. I can just imagine. It would be, 'Sit down, resist, have no policy agenda and just say no.' That would be the thrust of the advice given by the Leader of the Opposition, and it is certainly working for the Labor Party. It is still stuck on its primary vote of 1993.

Mr Conlon: You got slaughtered.

The Hon. J.W. OLSEN: Let me point out to the member for Elder one fundamental fact: we are over here and you are over there! To March 2002, we are here and you are there!

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: They will need all those three years to develop a policy. Any policy would do, Mr Speaker, to make a judgment—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. There is far too much interjection across the Chamber.

Members interjecting:

The SPEAKER: I do not need assistance from members on my left. I have not brought individuals to order at this stage because one is inflaming the other. If members do not bring the House back to some semblance of order, I will start warning people.

The Hon. M.D. Rann: He is proud of it.

The SPEAKER: Order! I warn the Leader of the Opposition for interjecting while I am on my feet.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time for continuing to interject over the Speaker while the Speaker is on his feet. I hope that other members will take that as a warning, as well. The Premier.

The Hon. J.W. OLSEN: Jobs for young people in industries including hospitality, retail and tourism will be wiped out by the abolition of junior rates of pay, and that will require employers to pay young people who are on experience courses or learning courses and developing skills in an industry similar salaries to people much older than they are who have some experience in the workplace. We are about giving young people a chance. Approximately 30 000 South Australians might be affected by this policy that has emanated from the Senate in Canberra.

The Victorian Premier has called for a Coalition amongst the States and business people to take the issue up to the Senate and to ask for a rethink by the Senate on its position on the abolition of junior rates of pay. South Australia will be supporting that call in the interests of looking after young people, employment prospects and skills development prospects.

SALMONELLA

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Human Services. Given the Minister's responsibility for the Food Act, how often was Nippy's Regency Park factory inspected to ensure compliance with hygiene standards required by the Act, and on what date was the last inspection? Subject to the control by the Minister, the South Australian Health Commission is responsible for the administration of the Food Act. Division 3 of the Food Act requires local councils to ensure the observance of proper standards of hygiene in relation to the manufacture and handling of food intended for sale. This afternoon, I spoke to the head of the company, Mr Knispel, who advised me that the company, which employs 20 loyal workers, was making every effort to cooperate with authorities in resolving this unfortunate matter.

The Hon. DEAN BROWN: As the honourable Leader has said, responsibility under the Food Act for inspection of industrial premises producing food or handling food lies specifically with local government. As recommended by the Coroner, my Department of Human Services last year carried out a very comprehensive review of the skills and numbers of people employed by local councils to carry out their responsibilities. I have already reported to this Parliament on the findings of that review.

In fact, there are about 10 500 food premises throughout South Australia and we have recently been monitoring the quality and the qualifications of the staff employed by councils, the number of people employed by councils, the number of inspections they carry out, the number of letters of complaint they submit and the number of prosecutions they follow through. I cannot answer—and you could not expect me to answer—in terms of specific inspections of those premises by my department, because the responsibility does not lie with the department: it lies with the council. But the important thing is that (as recommended by the Coroner) the department has been working with local government to upgrade the quality of staff and the number of inspections. In fact, a number of programs have recently been launched, such as Food Safe, which is now directly aimed at making sure that there is a broader education for those who are handling food to make sure they lift their standards considerably.

I have already indicated to the House that Health Ministers throughout the whole of Australia are working to introduce national food hygiene standards. We met in December of last year to consider this matter and, as a result, draft national food hygiene standards were submitted to the various States last week. We are expecting to finalise those when we meet again in July and, for the first time, under those national food hygiene standards, there will be uniformity throughout the whole of Australia. This State has pushed very hard indeed for those national food standards to apply. It was my former colleague who, in fact, pushed very strongly through the Australian New Zealand Food Authority to make sure, for instance, that there were appropriate recall facilities set up at a national level—another recommendation that came out of the Coroner's report.

In fact, it was rather interesting to see, because what concerns me is the cheap politics played by the Opposition on this issue. I highlight that the shadow Minister for Health (who is now overseas) on Sunday issued a press release headed as follows: 'Three years after Garibaldi—and hygiene laws still unchanged'.

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I warn the member for Bragg.

The Hon. DEAN BROWN: The third paragraph of that press release states:

> Three and a half years later, the Olsen Government has openly admitted that it has done nothing about them.

That refers to the 12 recommendations of the Coroner's report following Garibaldi. Every one of the 12 recommendations has been acted on by the department—and I have talked in detail this afternoon about some of those recommendations. But every one of the 12 recommendations has been acted upon: we checked that again over the weekend. So, here we have the Opposition out there trying to play cheap politics in the middle of the food scare when, in fact, the honourable member knows—

The Hon. M.D. RANN: Sir, I rise on a point of order. There seems to be some confusion with the Minister for Human Services. The question was: when did the inspectors last visit Nippy's?

Members interjecting:

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

The Hon. DEAN BROWN: Mr Speaker, there is no confusion at all, I can assure you. We know that we have acted on the 12 recommendations of the Coroner's findings, despite the claim by the shadow Minister for Health that nothing has been done whatsoever. It is once again another grossly inaccurate statement that comes out of the shadow Minister for Health.

PUBLIC SECTOR PAY CLAIM

Mr SCALZI (Hartley): Can the Premier inform the House of the latest developments in the Public Service Association dispute?

The Hon. J.W. OLSEN: Today, Land Services officers returned to work and are again processing their backlog of work. It is about time, I might add, that other members of the PSA showed some similar commonsense and abandoned what one can only describe as their 'dash for cash'. This Government has made a fair and reasonable offer. It is an average of 10 per cent. Some in the health and correctional areas will have an increase as a result of the wages parity principle that we have embodied in our offer, at the request of Jan McMahon and the PSA. That principle was embodied because we took the view that, on merit, it ought to be included as a principle. That is why, above the average of 10 per cent some people will actually get a 13 per cent pay rise.

I bet there are a lot of people in the work force who would not mind signing on for an average 10 per cent pay increase in the course of the next two years—particularly when you have job security written into your enterprise agreement. Not many people out there in the work force have job security written into their agreement. Despite those benefits, we have the campaign currently being waged by the PSA. The matter was brought to our attention by the banks as it related to non-processing and, therefore, the banks would not settle loans and, therefore, that would roll out and hurt individuals—young people wanting to buy a home, settle on a mortgage, get their home set up, not to mention small business wanting to register mortgages for overdraft purposes so they could conduct their businesses. That is how it was rolling out and affecting people within the community. After we had issued an instruction: no work, no pay (that was after it had had almost a week's impact in the offices) Jan McMahon turned up at the Lands Titles Office and, I am advised, said to the police and the media there, 'Well, are you going to arrest me?'—almost inviting to be arrested. It is just one of those circus things to put on in the middle of—

The Hon. G.M. Gunn interjecting:

The Hon. J.W. OLSEN: Yes, a political stunt, as the member for Eyre says, to underscore the thrust. What we have had on the table for some time is a fair, reasonable and equitable offer, and what they have to understand clearly is that there is a limit to which this Government can go in paying further wage and salary increases above the board. The payment of public servants to perform a service for the public of South Australia is the single biggest cost of government.

The PSA had said that it would attack the Government, that it would attack the Government's revenue base. But it is not. It is hurting the people who need the help the most. We have seen, for example, some members in the Housing Trust taking action which we understand also will hurt the very people the PSA said that it would not hurt. That is the point. That is not hurting the Government: it is hurting the people out there in the community, who deserve a bit of support from a productive, efficient and conscionable public sector in South Australia.

It comes back to the point of the policy initiative. As was referred to in the House last week, we had the Leader of the Opposition accepting a petition on the steps of Parliament House, where the firefighters were looking for something like an 18 per cent pay increase. At the time when the Minister was closing off an enterprise agreement with the nurses—and, I might add, closed off successfully and at a reasonable figure—we had no help from the shadow Health spokesman, who was inciting greater quests for funds.

The Hon. Dean Brown: More than the union was even asking for.

The Hon. J.W. OLSEN: That would not surprise me—upping the ante. What we have is an irresponsible Opposition that is prepared to champion the cause for these outlandish, outrageous pay claims that we simply do not have the resources to pay. I simply pose the question to the Opposition: where will the money come from? That does not mean that, as a Government, we do not have a responsibility to put fair, reasonable and equitable pay offers on the table—and, in fact, in every one of the areas we have. I would hope that commonsense would prevail.

That is why this question of a no policy zone in the Opposition needs to be addressed and brought to the attention of the broader public. The Leader of the Opposition made this great claim that this year was to be a policy year. If it is a policy year, let us have one. We do not want a raft of policies: just one would do. We have also seen that the Leader of the Opposition is going out in a reinvigorated program called Labor Listens. This is the sort of program he used to have as employment Minister, going back a year or two—you go out six months, take no action on the recommendations, go out the following six months, take no action on the recommendations, and you set a perception that you are actually out there listening. Members of the Opposition are concerned about how many people are listening to them at the moment, because they have banned the media from their Labor Listens meetings. Why would they ban the media from their Labor Listens meetings? It is because only four or five were turning up to their meetings and they would be somewhat embarrassed about how few in the community are actually turning up to have a discussion with them. Of course, there has been some reaction.

Members interjecting:

The Hon. J.W. OLSEN: Just open up the meetings to the media and let the media go to the meetings and duly report.

Mr CONLON: Mr Speaker, I rise on a point of order, which is exactly the same as last time and concerns answering the substance of the question which, as I recall, is about the PSA wages dispute.

The SPEAKER: Order! Whilst the question was an industrial relations question and was a broad ranging question, the Premier is now starting to stray into debate, and I ask him to come back to the substance of the question.

The Hon. J.W. OLSEN: What is important and what the public of South Australia are entitled to is rigorous policy debate in the Parliament. As the Government puts forward policy issues and legislation, it is incumbent upon any elected Opposition to put forward in the Parliament and the public domain alternative policies. We have not had any from this Opposition and I put to the House that it is a legitimate point to identify to the public of South Australia this policy vacuum. These issues are important. It is all very well for the

Leader of the Opposition to stand on the steps of Parliament House and for the shadow Health Minister to put out press releases about pay claims for public servants without putting forward a policy alternative, a policy qualifier or something rather than nothing.

If they are off in search of a policy, I suggest someone who might be able to help is Bob Ellis, the intellectually bankrupt ALP has-been, who has been here recently and who has attended branch meetings at Norwood; he has been in Rundle Mall with the Leader of the Opposition; he has been in the—

Mr FOLEY: Mr Speaker, I rise on a point of order. The Premier is clearly flouting Standing Order 98: he must not debate the matter at hand, and he is clearly debating.

The SPEAKER: Order! The Chair is having difficulty in getting the substance of the reply in line with Standing Orders. I ask the Premier to stick strictly to the reply as it would flow from the question and not to debate the matter at length.

Members interjecting:

The SPEAKER: Order! I warn the member for Waite.

The Hon. J.W. OLSEN: The point I am attempting to address for the House is the fact that we are entitled to expect from any elected Opposition policy options, and we are simply not getting them. I am suggesting that, if the Opposition is bereft of any ideas, it should bring in Bob. He might be able to help the Opposition to this extent: he makes up good ideas. You can ask his publishers—

Mr FOLEY: Mr Speaker, I rise on a point of order. The Premier is clearly flouting your ruling and debating the matter.

The SPEAKER: Order! The member will resume his seat. Leave is now withdrawn. I point out to members that we are now half way through Question Time and I have called for only two questions on either side. I remind Ministers of their ability to use ministerial statements.

Members interjecting:

The SPEAKER: Order! I do not need the assistance of the member for Spence.

SALMONELLA

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Human Services. Given that the Minister has just said that his department has acted on every one of the 12 recommendations of the Coroner investigating the death of Nikki Robinson, can the Minister tell the House why his department failed to inform medical practitioners of the salmonella epidemic? The Coroner's first recommendation was that the SAHC take steps to arrange a reliable system to inform medical practitioners on a quick and efficient basis about outbreaks of communicable diseases. Yesterday, the Opposition checked with six doctors located in the southern, northern, eastern and western suburbs of Adelaide. While two of the doctors said they had treated patients affected by the epidemic, not one of the practitioners contacted had received any advice from the Health Commission about the epidemic.

The Hon. DEAN BROWN: The first recommendation of the Coroner after the Garibaldi affair urged the Department of Human Services to set up a system whereby, if necessary, all general practitioners could be notified. In fact, the department has done that: we have set up several systems because we have made it so that not only can we do it but other branches such as the AMA can do it as well.

Ms Hurley interjecting:

The Hon. DEAN BROWN: Apparently it was not considered necessary to formally notify the GPs.

The Hon. M.D. Rann: That is an outrage.

The Hon. DEAN BROWN: It is not an outrage. Here is a group of professionals who sit down every morning, as I explained in the ministerial statement, and decide what action to take. Last Thursday they considered the most appropriate action was a public warning of the possibility of a food poisoning scare, and that went out to all media.

Members interjecting:

The Hon. DEAN BROWN: They made a decision. I defend that decision because, I believe, on the evidence that came up, that the appropriate and most effective way of doing it, considering that this was a food poisoning that might have occurred two or three weeks earlier, was through the general media and, in fact, that was carried out.

Members interjecting:

The Hon. DEAN BROWN: I have been through the process. If anyone wishes to criticise that process, I ask them to come forward and debate it in this House, because clearly that process is now seen as the best process in the whole of Australia.

EMPLOYMENT, REGIONAL

The Hon. G.M. GUNN (Stuart): My question is directed to the Minister for Employment. What is the Government doing to support small business to create job opportunities for the unemployed people in regional parts of South Australia?

The Hon. M.K. BRINDAL: I thank the member for Stuart for his question and acknowledge his long standing commitment to fearlessly fighting for employment opportunities in regional and isolated Australia.

Ms Breuer interjecting:

The Hon. M.K. BRINDAL: I hope that the member for Giles will listen carefully to the answer, because I know she, too, is concerned for regional employment in her area. The Government has always been committed to creating jobs in regional areas of South Australia. This commitment—

Ms Breuer interjecting:

The Hon. M.K. BRINDAL: It is a pity that the member for Giles is on such a single track—the steel track to nowhere. This commitment has been demonstrated by the devolution of many of the State's employment programs and, with them, substantial resources to a local level. Some of these programs include KickStart or KickStart for Youth, which is a $1.6 million program integrating employment programs through regional development boards. I refer to the regional labour exchanges in the Riverland, the Fleurieu, the Mid Murray, Yorke Peninsula and the South-East which have created 583 places for jobs and places for people in long-term employment.

The Small Business Employer Incentive Scheme involves 927 small regional businesses which have applied for a grant. The Indigenous Employment and Training Action Plan has a strong focus on providing employment opportunities for Aboriginal people in regional locations, and the South Australian Job Placement Network has recently approved a grant to support employment of trainees with disabilities. It is expected—and the member for Hart might not be interested in disabilities but the rest of the House might be—that at least half these placements will be in locations in regional South Australia. This Government, with the encouragement of such members as the members for Schubert and Stuart—

Members interjecting:

The Hon. M.K. BRINDAL: The Leader is gone, but you would expect the Leader to be gone: he was not around for the jobs workshop and he is not around to listen to anyone much. The Government has listened to regional South Australia, not in the self aggrandising atmosphere proposed by Captain Courageous opposite but on the ground in Port Lincoln, Whyalla, Mount Gambier and Paringa. The Premier announced the Working Towns Program, which stimulates the economies of local towns by funding groups of businesses to undertake innovative projects. I suggest that the honourable member opposite listen. He might learn something. He has not learned much to date in this place—

Ms Breuer interjecting:

The Hon. M.K. BRINDAL: These projects are expected to result in increased sales, employment and economic activity. The member for Giles says she will not listen—

Ms Breuer: You won't listen.

The Hon. M.K. BRINDAL: I wonder why small business people in Whyalla are ringing me to try to fix problems and not ringing the member for Giles. If she likes, afterwards I will give her the name and details of the small business that rang me this morning.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: That is one more small businessman than has ever spoken to the member for Peake, I suggest. The Opposition has—

Mr FOLEY: Mr Speaker, I rise on a point of order. This is clearly a Government tactic to waste Question Time. I ask that the honourable member be called to order.

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

The Hon. M.K. BRINDAL: Members opposite have no such programs of job creation and assistance to small business. Their answer to unemployment was simply training—training with no outcomes and no prospects of employment for the unemployed. They produced lawyers for whom there were no cases and teachers for whom there were no classes. They were fastidious at ignoring the growing crises with apprenticeships and in keeping the skilled pool of tradespersons in South Australia. There was no focus on regional employment activity either. Sure, they talked and they talked. They established advisory committees, but there was no linkage with regional strategic directions. Under Labor, retention levels in schools skyrocketed, only to plummet two years later when the young realised the cruel hoax that had been perpetrated on them. But let us give credit—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: If the honourable member is not quiet, we might put a bed tax on his electorate office.

Mr KOUTSANTONIS: Mr Speaker, I rise on a point of order. I find those remarks offensive and I ask the Minister to withdraw them.

The SPEAKER: Order! There are so many audible interjections that the Chair is even having difficulty in hearing the formal reply, let alone everything else that is floating around the Chamber. I did not pick up anything that I found offensive at that stage. If the Minister did say anything offensive, I ask him to withdraw; if he did not, he should get on with his reply.

The Hon. M.K. BRINDAL: Let us give credit where credit is due. They did do one thing: they created the class of up-skilled unemployed. In the course of brevity, I will not run through the Leader of the Opposition's record as Minister for Employment: it speaks for itself. What we have opposite is Mr Squiggle and Miss Jane. They get some ideas from the dots and dashes from wherever they can glean them—I suppose from the re-tarted Labor Listens campaign—and they try to join up the dots. Unfortunately—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: I thought I would have seen you there. Unfortunately, they lack the intelligence of that particular puppet: they cannot even get a picture by joining up the dots. The difference here today is that we focus on job creation which is supported by appropriate training and which targets specific skill requirements for industry and businesses. This Government—every member of this Government, every member on this side of the House—is about creating jobs for South Australians, not simply up-skilling and up-sizing the number of South Australians without jobs—

Ms Breuer interjecting:

The Hon. M.K. BRINDAL: And, despite the member for Giles, we will look after Whyalla as well as the rest of South Australia.

Ms Breuer interjecting:

The SPEAKER: Order! The member for Giles will come to order.

SALMONELLA

Ms HURLEY (Deputy Leader of the Opposition): Given that it is now more than four years since the Garibaldi epidemic and the Food Act has not been amended, what action did the Minister for Human Services take on the warning by the Auditor-General that the State Government could be sued if food legislation was not properly enforced? In his report for 1998, the Auditor-General said that the failure to ensure reasonable care in the discharge and enforcement of major legislative provisions regarding food consumption by members of the community could not only result in serious consequences for the health of people but also expose the Crown to financial risk.

The Auditor-General pointed out that, because the Food Act had not been amended and because of the need to establish the levels of resources being applied by local government to food surveillance, he recommended a review to determine whether an appropriate level of resources is being applied to the enforcement of food legislation.

The Hon. DEAN BROWN: To start with, nowhere in the 12 recommendations did the Coroner recommend amendments to the Food Act. What the Coroner did was to ask the department to look at the processes and procedures under the Food Act, and I have already detailed to the House—in some considerable detail—the processes that are now in place to do that. I also point out that the particular team of people involved in monitoring food hygiene, and particularly epidemics or outbreaks of pathogens such as the one we have had with salmonella, in about 2½ years has increased from seven to 31 people, which shows the enormous commitment by this Government. What the Coroner did recommend—and this is recommendation 9—was that the Public and Environmental Health Act be amended, and that Act was amended.

I would invite members of the Opposition to obtain a copy of the 12 recommendations of the Coroner following the Garibaldi coronial inquiry because, if they look through those 12 recommendations, they will find that the department has acted upon all of them. If the member is uncertain about what has been done in terms of implementing those recommendations, I invite her to come to a briefing, because I am only too happy to highlight to her and anyone else on the Opposition

benches exactly what procedures have been taken. In fact, I invite them to meet the team of people who have worked their hearts out over the past few days to identify that needle in the haystack.

I spent three hours with those people after they had had very little sleep for a number of days over the weekend. They are implementing a procedure which, clearly, is seen to be the best procedure in the whole of Australia. No other State has been identifying food poisoning cases as quickly as has South Australia and that is because, as the Coroner recommended, the procedure has been reviewed. We have put in place what is regarded as world best practice and it worked in this case. In fact, where else would they have found the food source, that needle, in such a short period after the identification of the increase in cases? I can say that has been done only with a great deal of dedication, commitment and rigour by the staff involved. I challenge the Deputy Leader of the Opposition to meet the team of people so that she has some grasp of the enormous task facing them.

WATER QUALITY

Mr VENNING (Schubert): Will the Minister for Government Enterprises detail to the House how the Government is providing better quality water for regional South Australia?

The Hon. M.H. ARMITAGE: I thank the member for Schubert for his question about an issue which the previous Government ignored for all the time it was in office and which we have fixed. Last week saw yet another milestone in the Government's commitment to raise the standard of water quality for people in regional South Australia. The opening of the regional filtration plant at Tailem Bend now leaves out of all the Riverland contract only Loxton and Murray Bridge plants to be completed. That is a great success rate. A $115 million project is behind these results and it represents a great future for people, businesses, tourism and so on in regional South Australia.

At its completion, the initiative will have spread the supply of filtered water to an additional 100 000 people in 90 communities from the Barossa Valley and the Mount Lofty Ranges through Yorke Peninsula to the Riverland. It is a great success story. Before the project began, only 85 per cent of South Australians received filtered water—that was throughout all the time of the previous Labor Government. By the end of next year, we will have progressed that figure such that nearly 95 per cent, an additional 10 per cent of South Australians—

Mr Venning interjecting:

The Hon. M.H. ARMITAGE: —will actually have access to filtered water. That, as the member for Schubert says, is a magnificent result. And it is, and the water is magnificent as well. I never go to one of these openings where someone does not tell me a story about a child calling their mother or father into the bathroom quickly. They rush in thinking the taps have scalded the children or something like that, but what the child says is, 'Mum, Mum; I can see the bottom of the bath!' We have extended that facility to another 10 per cent of South Australians. It took almost 20 years to put filtered water into the metropolitan area and, given the very poor source water that we have, the fact that this Riverland water contract will see all these benefits flowing in a mere four years is a great bonus for the people in the country and a tremendous credit to the people who have been involved with it.

I know that most of you have heard those figures before but they are important because, without addressing those figures, we do not see the very illuminative picture they paint. They paint a picture of a Government getting on and doing things for regional South Australia, as opposed to one that blithely ignored all rural South Australia. The contract with Riverland Water is very important, because not only is it delivering top quality water to regional communities but it also contributes through economic development, exports and purchases within the State. I know that the Labor Opposition does not like that, because it is yet another example of the outsourcing contracts in relation to a vibrant, growing, internationally focused water industry actually working and, from the Labor Party's perspective, success hurts. Well, not on this side of the Chamber: we are delighted.

The only item that regional South Australians—in fact, all South Australians, I guess—can really thank the Labor Party in this State for is, dare I say it, the State Bank debacle. Now we have the State Bank Party in Opposition routinely trying to tell South Australians through their media releases and questions—

Members interjecting:

The Hon. M.H. ARMITAGE: The member for Kaurna says it was years ago.

Members interjecting:

The SPEAKER: Order! The Police Minister will come to order.

The Hon. M.H. ARMITAGE: He may like to try to condemn the State Bank debacle to ancient history. It is indeed history but, unfortunately for all South Australians, it is modern, contemporary history, because every decision this Government takes is taken in the immediate knowledge that factually we could do more for South Australians if only people such as the member for Kaurna and the Party he represents had been less financially gullible and more financially credible when they were in Government.

POLICE INQUIRY

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Police, Correctional Services and Emergency Services assure the House that the South Australian Police Commissioner is conducting a full and thorough investigation into the source of false and malicious information given to police alleging that two South Australian Federal members of Parliament were carrying cannabis on a flight to Canberra on Sunday? Will the Police Commissioner ensure the inquiry is carried out with a view to prosecuting those responsible for criminally giving false information to the South Australian Police? The Federal Police Commissioner, Mr Palmer, has already apologised fulsomely in writing to the two Federal MPs involved for the embarrassment and inconvenience caused by the actions of the Australian Federal Police. In his letter, Mr Palmer indicated that his officers were acting on information supplied by and requests from the South Australian Police, information that proved to be totally false.

The Hon. R.L. BROKENSHIRE: As the Leader of the Opposition would realise, this is an operational police issue. I can appreciate the fact that there was embarrassment to those two Federal members of Parliament, but the fact remains that nobody can be the keeper of how the Australian Federal Police conduct their business. I have asked the Commissioner for a report on this matter and I am now waiting for that report.

RURAL LEADERS

Mrs PENFOLD (Flinders): Will the Deputy Premier—

Members interjecting:

The SPEAKER: Order!

Mrs PENFOLD: Will the Deputy Premier outline to the House what this Government is doing to build on the strong leadership already found in rural South Australia and further develop our rural leaders of the future?

The Hon. R.G. KERIN: I thank the member for Flinders for her question, and I am sure she is very interested. In regional communities for a long time we have identified the importance of leadership and the link that has been identified between strong leadership and successful regional development. Traditionally in many rural areas some of the organisations had a much greater role to play in building skills such as debating and speaking.

Members interjecting:

The Hon. R.G. KERIN: One such organisation is APEX, of which the Premier is a former member, and Rural Youth, as the Minister for Education, Children's Services and Training says. I think that is where the member for Schubert got his silky skills. As these groups have found it harder there have been fewer opportunities for our potential leaders to access skill building opportunities. There is absolutely no doubt that strong communities and strong industry groups that are able to compete in the global economy will require regional and industry leaders to have the full range of skills into the future. Next week we will be launching the South Australian Rural Leadership Program, with the first course taking place then. There is a strong line-up. I thank the South Australian Farmers Federation for entering this partnership with us, and also acknowledge the role played by both the advisory board and the Agricultural Bureau movement.

The course is a first step in building on the existing skills of these people. There is a strong line-up and it will certainly include sessions on team building, communication, how to work with Government, media skills, conflict resolution and personal leadership development. We aim to provide a unique opportunity for our aspiring young rural leaders to develop the skills, knowledge and networks needed to be effective not only at a regional level but also in the State and international arenas. More than ever before we need that strong focus on effective leaders within the rural sector. The initial group contains a good mix of gender from a wide range of industries, and certainly they are spread widely across the State.

This Government is committed to the regions, and we are also committed to creating opportunities for and developing the skills of our young people. Today I have announced that the South Australian aquaculture industry, which is growing at a very good rate, will employ up to 120 young trainees in the rural areas. These traineeships will incorporate training at the Australian Fisheries Academy, with on the job experience in the broad range of aquaculture ventures. It is a significant partnership among industries. The academy, which is the only fisheries and seafood specific education institute in the southern hemisphere, and Government with PIRSA, are acting as the host agency to manage the scheme. The trainees will take part in a two week induction program prior to seven weeks training at Port Adelaide at the academy and a further 39 weeks on the job training within the industry. They will be spread across those areas of the State where aquaculture is taking off. As the member for Flinders would know, most of these placements will be on Eyre Peninsula, where aquaculture is creating many jobs and opportunities for our young people in those regions.

I thank the Ministers for Education and for Employment for their assistance. It is a good sign of not only the number of traineeships going out into the regions but also the growth within that industry. No doubt it will do very well from this training opportunity.

SCHOOL CLOSURES

Ms WHITE (Taylor): I direct my question to the Minister for Education, Children's Services and Training. In the spirit of the Minister's commitment to consult with school communities before closing any school, will the Minister tell the House whether the planned budget saving of $2 million this financial year from closing schools will be achieved and, if so, which schools are set to close?

The Hon. M.R. BUCKBY: As the member for Taylor would know, the change to the Education Act last year incorporated a number of new provisions for setting up a review committee. That was passed through the Parliament in December last year. I indicated—and I kept my word—that we would not undertake any reviews at any stage until that legislation had passed through both Houses. I have asked the department to advise me of reviews that it is intending to undertake of various schools, and I will inform the member of those reviews as they come about. There is no list (as was printed at one stage in the *Sunday Mail*) of all schools with under 200 children that are in danger of closing. That is highly irresponsible and is not the case at all. It is a matter of looking at those reviews which have to be undertaken and which we will be conducting.

FIRE HYDRANTS

Mr HAMILTON-SMITH (Waite): Can the Minister for Police, Correctional Services and Emergency Services assure South Australians that lives are not at risk because of the state of our fire hydrants?

The Hon. R.L. BROKENSHIRE: I can assure the member for Waite that lives are not at risk, certainly not for the South Australian community. But in a year that was supposed to be a year of policy for the Opposition, I know that there is not any policy.

Members interjecting:

The Hon. R.L. BROKENSHIRE: And here comes the reaction to the fact the Opposition does not have any policies. I was amazed when I heard on the radio the alarmist reports from the Deputy Leader of the Opposition, and one could only say that she is getting her policy from a program that my six year old watches each morning, namely, *Fireman Sam*.

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: I am sure that the member for Hart has plenty of time to sit down in the mornings to watch the television programs with his children. Apart from organising barbecues and running around with the member for Elder looking for rams for the spit, there is little happening in the Opposition camp.

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: Well, I am not sure where the Leader has gone this time. He comes in and out, but he never hangs around to do anything constructive in this Parliament.

Mr Atkinson: Two can play that game.

The Hon. R.L. BROKENSHIRE: There are more than two playing the game in the Opposition. I understand that the factional brawl that occurred in the Caucus room today was amazing. Everyone was talking about it in the corridors. Why was there so much silence? It is because of the infighting. So bruised were members of the Opposition today that they could not come out and be anything like constructive when it comes to Question Time in this House. They are fighting here and there. The sooner the Deputy Leader goes up to the top and the Leader goes out of the transit lounge—

Mr CONLON: I rise on a point of order, Mr Speaker. The Minister should, of course, answer the substance of the question and return to his fire hydrant.

The SPEAKER: Order! I uphold the point of order and ask the Minister to come back to his reply or I may be forced to withdraw leave.

The Hon. R.L. BROKENSHIRE: I have not heard a single complaint or seen one report from any member of the community. I have had not one complaint and I have had no reports from either of the CEOs of the CFS or the MFS in relation to this issue. It goes without saying that I have never been warned about any so-called risk to the public as highlighted by the Deputy Leader. Frankly, this is an alarmist story and it is amazing that the media even bothered to run with it, given that it has no substance.

One of the things that did surprise me was how quickly the United Firefighters Union (UFU) was able to get on the campaign with the Deputy Leader. We all know how the UFU and the Opposition are in bed together. We all know how they are locked together. The member for Elder is supported by the UFU. It is probably the only listening it does.

However, it is an interesting coincidence that the union would back such claims about lives being put at risk. Normally, it is up to regional fire districts to report any problems to United Water and SA Water. However, members will be aware that the UFU currently has an industrial campaign banning all paper work, maintenance, and the normal sort of work that its members are supposed to do for the pay they receive each week. Maybe it is the union's own industrial action that is holding up repairs by preventing maintenance reports from coming through the system.

Let me reiterate that scratched or rusty fire hydrants have never been raised with me as an issue. If the Deputy Leader of the Opposition is so concerned about this matter perhaps she might like to go out there with her pots of red and white paint and brighten up the hydrants in her own electorate. Even better, it could be in the best interests of all South Australians if someone found a policy on the Opposition side. All that is happening at the moment, both from the Deputy Leader and members of the Opposition, is that they are confirming to all South Australians that the Labor Party still has no policies, no ideas, no vision and no commitment to South Australia.

SCHOOL CARD

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.R. BUCKBY: Last week in the House, in response to a question from the member for Taylor, I made a reference to a confusing media release issued in January by that member in relation to School Card. In her release, the member claimed:

> This year, the Olsen Government is for the first time including parenting payments as income. . .

The intent of this statement is clear. It implies that parenting payments would be considered as assessable income for the purposes of determining eligibility for School Card. This is simply incorrect, and last week in the House I claimed that this statement was misleading and I stand by that statement. It was misleading because parenting payments are not assessed as income for the purposes of obtaining a School Card.

The SPEAKER: Order! I draw the Minister's attention to the fact that he asked for leave to give a personal explanation: in fact, he is giving a ministerial statement. The House has given leave to give a personal explanation. He must confine himself to that—how he personally has been aggrieved or he may wish to give a personal explanation about a statement that he personally made.

Mr Foley interjecting:

The SPEAKER: Order! We do not need assistance from the member for Hart.

Mr Foley interjecting:

The SPEAKER: I caution the member for Hart.

The Hon. M.R. BUCKBY: The member for Taylor may have misunderstood the fact that while information on parents' total income, including benefits such as parenting payments—

Mr FOLEY: I rise on a point of order, Mr Speaker. This is clearly a ministerial statement and not a personal explanation.

The SPEAKER: Order!

The Hon. M.R. Buckby: Piss off!

Mr FOLEY: I—

The SPEAKER: Order! The member will resume his seat.

Mr FOLEY: Sir, I want to take another point of order.

The SPEAKER: Order! There is no point of order while I am on my feet. The Minister has gone about two sentences since the previous ruling. The Chair is waiting to see whether he will give another ministerial statement. If he does, he will be pulled up and leave will be withdrawn. I ask the Minister to stick strictly to the terms of what is intended by a personal explanation.

Mr FOLEY: I rise on a point of order, Sir. I would ask that the Minister for Education withdraw the remarks that he just made to me which I found offensive and totally unparliamentary. He knows the words. I ask he withdraw the words 'Piss off.'

The SPEAKER: Order! If the Minister did use those words, it is quite out of tenor and character with this Chamber and I ask him to withdraw them.

The Hon. M.R. BUCKBY: I withdraw that.

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. M.R. BUCKBY: Thank you, Mr Speaker. As I said, the member for Taylor appears to have misunderstood the situation in relation to income being assessed. The matter I wish to explain is that the department does seek the information—

The SPEAKER: I cannot accept that. I suggest leave be withdrawn and I suggest the Minister come back with a

ministerial statement to explain his departmental actions. It is not a personal explanation.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.R. BUCKBY: Last week in the House—

Members interjecting:

The SPEAKER: Order! The Minister has been given leave. If members continue to interrupt I will name them. If members want to stay here then they should listen to the explanation, or leave the Chamber.

The Hon. M.R. BUCKBY: Last week in the House, in response to a question from the member for Taylor I made a reference to a confusing media release issued in January by that member in relation to School Card. In her release the member claimed, and I quote:

> This year, the Olsen Government is for the first time including parenting payments as income. . .

The intent of this statement is clear. It implies that parenting payments would be considered as assessable income for the purposes of determining eligibility for School Card. This is simply incorrect and last week in the House I claimed that this statement was misleading and I stand by that statement. It was misleading because parenting payments are not assessed as income for the purposes of obtaining a School Card. I repeat, unequivocally, parenting payments are not assessed as income for the purposes of obtaining a School Card. The member for Taylor may have misunderstood the fact that, while information on parents' total income (including benefits such as parenting payments) is required by the department on its application form, not all income is assessable for the purposes of obtaining a School Card.

Parenting payments are not deemed as assessable income. I understand that the Chief Executive of the Department of Education, Training and Employment has written to the member for Taylor clarifying any misunderstanding she may have had on this matter. However, for the purposes of this House and the member for Taylor, I will say once again that parenting payments are not assessed as income for the purposes of School Card eligibility.

GRIEVANCE DEBATE

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

Mrs GERAGHTY (Torrens): On Tuesday a week ago I, along with people of our community, attended the Windsor Gardens Vocational College launch, which will be changing the way our children will learn. The college was formerly the Windsor Gardens High School. Certainly this new and exciting concept will provide a great challenge to staff, students and every one involved with the school, which will combine learning and employment practices with the focus on exposing children to the changing world in which we live. Many members would remember the trade schools of past years but the opportunities that this concept will provide for students will be of even greater value to them in the tough decisions they need to make about their future work and career opportunities.

Parents and friends of the school, including many people from our local community, had the opportunity at the launch to view some of the exciting programs that will be available to the students as they progress through their school years. The staff and students have enthusiastically embraced this new concept. Certainly the students to whom I spoke really believed that their future learning and work opportunities will be far greater than ever before and that they will have a chance to play a greater role in the directions that their lives take—whether they choose to continue their education at tertiary level or seek work after completing their studies at Windsor Gardens Vocational College.

They believe that they will be given greater opportunities than ever before, not just to participate in work pathways but to assess whether the pathway they thought they may wish to pursue is really suitable for them. What this means to the students is that, while gaining a sound education, they will also be gaining work skills through hands-on experience in business and industry structures which will greatly enhance their opportunities to gain employment. These students, which ever career path they choose, will have been exposed to real work practices and be work ready, which will obviously make them much more attractive to future employers. I know that many parents also believe that the opportunities will be endless for the students who will now be attending Windsor Gardens Vocational College.

In partnership with industry and TAFE the opportunity to deliver relevant courses to motivate students at Windsor Gardens will provide programs where children can have choices in business marketing, tourism, building, electrical, secretarial and metal work and catering. As new programs are introduced these opportunities will be expanded. The school's Principal, Anne Millard, said:

> As a school community we see that the vocational college provides us with both a great challenge and many outstanding opportunities.

I have spoken on quite a few previous occasions about the outstanding success that both the students and the school has had with its Pedal Prix car entries. The skills the students gained by constructing the vehicles and participating in the event have been of enormous benefit to them. The school was supported by local businesses, by members of the community and by Path Line Australia, which has developed a very close working relationship with the school. I give credit to Peter Munt, Managing Director of Path Line, because his link with the school is a good example of how industry can play an important and cooperative role working with students. Mr Munt has been particularly encouraging and supportive and, obviously, we are very hopeful that he will continue his participation in the Pedal Prix event.

The college council is comprised of mums, dads and staff, and this new and exciting direction would not have progressed with the same amount of enthusiasm without the support of the school council. As a member of that council, I remember being somewhat overawed with this concept, but the council recognised that the need for change was in the best interests of our young people and, given the difficulties that young people face finding fulfilling jobs, or simply even finding a job, members of the council embraced the concept with enthusiasm.

The Hon. R.B. SUCH (Fisher): First, I want to pay a tribute to the work of our water catchment management boards. From time to time some members have expressed some concerns but, in fairness, those water catchment boards have been operating for only a short time and we can see already some of the achievements, particularly of the Torrens and Patawalonga boards and, increasingly, of the other

boards. I was a little perturbed to hear one Unley councillor, Mr Mike Hudson, being critical of a proposal to establish wetlands in the South Parklands, which would be constructed under the auspices of the water catchment board.

Members would be well aware that the South Parklands are the cinderella parklands and very much in need of resourcing and time and effort spent on them. Mr Hudson's criticism that the proposed wetlands will create mosquito problems has no foundation. In fact, any properly designed and constructed wetland, whether the wetland proposed for the South Parklands, the wetland at Urrbrae (which is operating in a very good fashion), or the Warriparinga wetland, does not have a mosquito problem. I look forward to the time when the new wetlands in the South Parklands are operational.

The water catchment boards are doing much more than simply providing wetland areas: they are removing feral trees from our water courses. I urge those boards to continue with that process to help restore our riverine areas, as far as humanly possible, to what they were prior to European settlement.

I commend the authority (I assume it was the Department of Road Transport) which has recently tidied up Main South Road from Darlington southwards towards O'Halloran Hill. It is the gateway to the Fleurieu Peninsula. I make no apology for harping on the need to beautify that main road because many tourists travel on that road on their way to the southern districts, whether it be to visit the wineries, Kangaroo Island, Victor Harbor, and so on. It is an area that needs significant beautification. While the cleaning and clearing of weeds in recent times is to be applauded, it needs to go a lot further to include tree planting, the removal of rubbish and some of the feral plants which dot that area.

Another issue that I am particularly keen on and pushing hard at the moment is the provision of bus shelters throughout the metropolitan area. Sadly, the Labor Government withdrew State funding to help provide bus shelters and it now falls totally on local government to provide them. I have spoken with the Minister for Transport as recently as today and I am keen that we get central assistance for local government to help provide a greater number of bus shelters throughout the metropolitan area. At the moment, commuters either cook in summer or freeze or get wet in winter, and that is no encouragement for people to use the public transport system.

I have written to the Minister, the Local Government Association and local councils urging them to look at the provision of more bus shelters, which can be self-funded and attractively designed. I believe that there is a place for appropriate advertising on bus shelters. At the moment across the metropolitan area there is an uncoordinated approach to the provision of shelters for public transport commuters, and I was heartened by the sympathetic response from the Minister this morning. While she did not open her chequebook, she was very sympathetic to the need for the provision of more bus shelters in the metropolitan area. I have seen too many people in my electorate suffer the consequences of being out in the weather waiting for a bus, without having a basic facility such as a seat upon which they can sit while waiting.

It might seem a small issue to many members but, to the general public, particularly if we want to encourage people to use public transport, those issues are important. Indeed, it is part of the basic infrastructure of our community, so people waiting for a bus can do so in comfort, with at least a seat. I look forward to the State Government providing a contribution—

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

Mr HANNA (Mitchell): I wish to add to the contribution of the member for Fisher before going on to the subject of Glenthorne, which is what I will speak about today. In respect of that stretch of South Road, up from Darlington to the bottom of Trott Park and O'Halloran Hill on the southern side, I too share concerns about the lack of beautification in that area, and I have spoken with the member for Fisher about that. I completely endorse the approach that he has taken. I was disappointed to hear his comments about the lack of bus shelters in the metropolitan area because this State Liberal Government has completely abdicated its responsibility in that area. When he said that it needs a coordinated approach, clearly that must come from State Government.

In relation to Glenthorne, I was pleased that the House of Assembly in its wisdom passed the motion directing the Premier to include me as the local MP on his committee to look at the future of the Glenthorne site. I have written to the Premier in the last three weeks asking when the next meeting will be held. He has acknowledged that I have written to him, and that is all that has happened at this stage. I look forward to taking part in the deliberations of the committee.

There are many different interests to consider in the work of that committee. It is not just simply a matter of looking at the commercial interests and viability of a wine industry training or research centre on the site. There are residents' interests and environmental interests to consider. I also wish to bring to the attention of the House today the interests of Mr Robert Vickery, the farmer who for many years has held a lease to farm on the Glenthorne property. He has done so viably and he has done so in a way which benefits the previous owners—CSIRO—and the local residents by maintaining the property, particularly in terms of firebreaks, and so on.

For the last few years Mr Vickery has had one year leases on that property and I suppose he is left in something of a quandary, given that the State Government takes over responsibility for that land in September this year. The question for Mr Vickery as a farmer is whether he should make full plans for the next 12 months in relation to his sheep, such as whether he should allow lambs to be born there, and so on. Clearly it is not enough simply to rely on the wool from the sheep for him to make a profit in this calendar year. Members on the other side would probably know better than I some of the details of these matters, but it seems to me that a farmer in that position needs to be able to rely on the lambing of the ewes as well as the wool to make a farming venture like that profitable.

With the transfer of the land taking place in September this year, as I understand it, a year after the Premier's announcement that the State Government would be taking over the land, people like Mr Vickery need to be told where they stand and what the possibilities are of continuing farming operations after that September date. One of the many things that the committee needs to consider is just what the future of Mr Vickery's farming operations will be. I do not wish to prejudge the issue because I want to look at all the relevant circumstances once I am on that committee, but it seems to me that there is the possibility of a mutually beneficial arrangement whereby Mr Vickery might be able to continue to farm that land while a wine training or research

centre is being developed so that the property can be maintained without an undue strain on the State's finances.

Since my time today has nearly expired, I will close by once again commending the work of the Sheidow Park and Trott Park Residents Association, which has an interest in the future of Glenthorne. I also commend the continuing work of the Friends of Glenthorne, an organisation which for a time was threatened with being overrun by local politicians. However, I think that the people who are there now are sincerely dedicated to doing something decent with that land.

Mr LEWIS (Hammond): Today I want to draw attention to a few things that are happening that provide us with some cause for optimism, in my judgment, in South Australia. In the process of doing so and in the first instance, I acknowledge a substantial contribution that has been made by a couple of people in my electorate where it affects the communities which I represent. Firstly, can I say how much people in my electorate have appreciated the unselfish and extremely hard work done by Mr Denis Haigh, formerly the national President of the Australian Small Business Association and currently the Chairperson of the Murraylands Regional Development Board, in his contribution to the development of new enterprises, small enterprises in the main, throughout the Murraylands region, and the inspiration that he has been to anyone who has contacted him at any time during the course of his term as Chairperson.

Regrettably I am sure that the effort that he has made has contributed to a very unfortunate recurrence of his illness and I trust that all members will join with me in wishing him a swift and speedy recovery without detrimental consequence as part of the aftermath of his recent heart attack. He first suffered that ill health when he worked in much the same way, without regard for his own personal welfare, taking up the cudgels on behalf of small business nationally during that time.

Another person who has made an enormous contribution and been willing to continue that work is Heather Moore. Whilst she is not a constituent of mine now, she was. She lived in Coonalpyn when Coonalpyn was part of the electorate that I represented here in this Parliament. She is now Chairperson of the Murraylands Tourism Development Association, and I know that the Minister will be interested in this. She has made an enormous contribution in a number of arenas in the wider community of the mallee that is called the Murraylands and, during the last couple of months, conceived and worked closely with her committee the idea of having a showcase put together of all the enterprises involved in the development of tourism products in my region. I strongly support what Heather is doing.

I was delighted, on my once a year day with the Premier last Thursday, in company with the Premier after Parliament rose, to go to Murray Bridge to the premises that were made available to us on the racecourse by the Murray Bridge Racing Club. I thank all the committee members and Dr Andrew Mills, in particular, for his generosity in making those premises available in such a reasonable way for the purpose of this showcase. In company with the Premier, he launched the showcase, which enabled tourism operators and those who provide services of any kind to put their wares on display not only to those who came to see them but, more particularly, to each other, so that they could network and ensure the development of packages that could be sold into the wider marketplace.

After highlighting the efforts of those two people, I now draw to the attention of the House an opposite view being taken of the way the world is by people who work in Government environment agencies—whether it is the EPA or the department. They get under my skin like you would not believe. They are the most hidebound, bureaucratic, half-witted dolts I have ever had anything to do with. They do not understand that people who go into small business cannot afford $10 000 for a lawsuit. They do not understand or give a damn that the consequences will be that two or three jobs that just come into existence will be wiped out by their stupid, overzealous regulation of what is being done, where there is no risk to the environment and no risk to the people who are working there. You use more paint just to paint your house than this person was using on the goods that they were producing to sell into the wider marketplace. There was no risk to anything or anyone, yet they closed down that business.

If it had not been for the intervention of my staff and me, that would have been lost. As it is, they are to be relocated now to Mannum. But it takes an enormous amount of effort to get some of those folk to understand just how serious the problems are in the rural parts of regional South Australia in getting jobs back into those localities. I say to all of them: I am coming for you. And I dare say that, if they do not work it out, I will help them—

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

Mr WRIGHT (Lee): Today I refer to a very important local issue, that is, the Port Adelaide Sewage Treatment Plant. My office has received a range of complaints—and I have spoken to some people personally and communicated with others through correspondence and telephone calls—with respect to the stench and odours associated with the Port Adelaide Sewage Treatment Plant. I might say from the outset that these are not the first complaints that I have had: I seem to get them on a regular basis at about this time of the year. The greatest problem occurs in the summer period and, unfortunately, it is associated primarily with southerly breezes after about 6 p.m. It seems that, when we have those types of conditions, the concerns start to flood in. These concerns are wide ranging and, I might say, the complaints are genuine: I have gone down and experienced the odours, the smells and the unpleasant nature of what is coming from the Port Adelaide Sewage Treatment Plant at the invitation of a range of constituents to ensure that I have been on location at the time of the evening when the smells are at their worst.

The Port Adelaide Sewage Treatment Plant is located on the border between West Lakes and Royal Park. It affects people in both suburbs and, certainly, the smell crosses a fairly broad area, causing considerable problems throughout the local community. A number of constituents have raised this issue with me—and some have, in fact, followed up with agencies such as the EPA, SA Water, United Water and, of course, the Government. I have also written to the Minister, and I will return to that shortly.

This really is causing a major concern in the local community. It has reached a level where some people are just fed up with it completely and are talking about or are moving out of the area. This, of course, is totally unacceptable. We cannot afford to have a situation whereby a sewage treatment plant is causing problems of this nature through the local community. We cannot have a situation whereby people

cannot go outside during what should be an ideal time of the year. We cannot tolerate a situation where people have to close their doors, shut their windows and still wake up in the morning with obnoxious smells and unpleasant odours having gone right through their house.

Something needs to be done to address this problem. I do not know whether this plant can be relocated but certainly, at a minimum, we need the Minister to take some action to direct United Water to look at this matter with a great deal of seriousness and to address the core issues in this problem. This is a very serious issue and I call upon the Government, through the Minister, to address these problems, to make sure that we identify the causes and how they can be remedied and to undertake action straight away. As an illustration of the problem, one constituent who has written to me says:

> I am at a loss to understand why residents at Royal Park and West Lakes, including the northern end of Delfin Island, have to still tolerate the stench from the treatment works at night when a large plant like Bolivar can be fixed. Some nights you have to shut all windows to try to keep the foul smell from within the house. In the morning the house smells for a long time before you can get rid of this smell. I made inquiries at the treatment works but was informed one can only have the foul stench at night or during the day and Bolivar was only treated because it affected a very large area.

This problem affects a large area and a lot of people, and I call upon Minister Armitage to address the matter immediately.

Mrs PENFOLD (Flinders): The South Australian Cooperative Bulk Handling Limited is one of the many success stories of this State. The annual meeting on 26 February 1999 heard of another year of growth and record grain receival. One of the many reasons for the SACBH's success is that it is controlled by grain growers. The directors who make the decisions have a personal understanding of the industry.

It was my privilege to escort the Governor, Sir Eric Neal, to Cummins on his recent visit to southern Eyre Peninsula. One of Sir Eric's appointments was the opening of the new 90 000 tonnes of mechanised shed storage at Cummins. New sampling, weighing and marshalling infrastructure has enhanced the capability of this strategic buffer site. Cummins is one of the two sites developed as the principal canola receival sites for their respective regions, thus requiring specialist equipment to maintain storage quality control standards. Canola, a newer grain in the State's agricultural scene, already shows high promise as a profitable alternative crop for farmers to diversify into. Certainly, canola oil has a sound reputation as a healthy edible oil.

SACBH has added significantly to the employment sector of the State through its building program. In 1997-98, SACBH outlined capital expenditure of $55 million and budgeted a further $60 million in 1998-99. Just as farmers are always looking for new crops, so this company is constantly reviewing its business development. Directors formed the Business Development Group to focus on strategic and business planning processes and specific business developments within the agricultural industry. Value adding to provide a degree of drought proofing led to research to pinpoint opportunities for diversifying the company's activities. The processing of grain, pulses and oilseeds and agri-related enterprises were among businesses looked at. Drought proofing is an essential component of successful farming, since poor seasons inevitably come—and, fortunately, also go—and it is, therefore, also necessary for any business dependent on farming. We are all subject to continual change and this is true also of business.

When the State Government moved to divest non-core enterprises, SACBH acquired the bulk loading plant and strategic land at terminals, including Port Lincoln. The acquisition provided the company with the chance to link its terminal facilities directly to the ship loaders, with the aim of delivering seamless shipping facilities to users of the terminals. SACBH, seeking to make maximum use of its ownership of these facilities, continues to explore options that will provide greater throughput over the belts and through the shipping system. At the port of Thevenard, SACBH has worked closely with Gypsum Resources and Cheetham Salt. In excess of 1 million tonnes of gypsum and salt were handled in the first months of its taking over the plant. Eyre Peninsula produces 75 per cent of Australia's gypsum.

Three of the SACBH directors—Brendan Fitzgerald, Adrian Glover and Ken Schaefer—come from the Eyre Peninsula electorate of Flinders. They are an example of the quality of the SACBH board of directors, who have also displayed typical forward thinking in relation to the year 2000 millennium bug. The company has implemented a detailed plan to identify all year 2000 related matters that might affect the operations of the company. Suppliers and customers have been contacted to ensure that they, too, have adequate plans in place to address this issue. It is intended that SACBH will be year 2000 compliant by the third quarter of this year.

SACBH, as would be expected in a successful business, has adopted the computer age by quickly moving to make the best possible use of information technology. The establishment of a national grower registration system is progressing, as is the setting of agreed standards for the electronic exchange of information between grain handlers, marketers and processors.

Directors have noted that the move by GRAINCO, the Queensland grower owned company, to construct an export/import terminal for dry bulk commodities in Melbourne is the final evidence that the very regulated environment in which Australia's grain industry has functioned for so long is at an end. The directors are approaching this change with their customary thoroughness. They are analysing and reviewing the consequences for SACBH and will subsequently discuss their findings with grower members in scheduled meetings across the State in September. My congratulations go to the management of SACBH and its shareholders, and also the large number of employees who work for SACBH all over South Australia.

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

SHEARERS ACCOMMODATION ACT REPEAL BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (COMMUTATION FOR SUPERANNUATION SURCHARGE) BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Judges' Pensions Act 1971*, the *Parliamentary Superannuation Act 1974*, the *Police Superannuation Act 1990*, and the *Superannuation Act 1988*, to deal with an issue which arises as a consequence of the imposition by the Commonwealth, of the Superannuation Surcharge.

Members are all well aware of the general details associated with the Superannuation Surcharge, which is an additional tax levied on superannuation contributions paid or payable by an employer in respect of persons in receipt of 'high incomes'. The surcharge is in addition to normal taxes applied to superannuation benefits.

In a private sector superannuation scheme, any surcharge debt accrued in a financial year is paid by the fund with a consequential reduction in retirement benefit payable to the member. The member is not required to pay the debt out of their personal after tax salary and wages.

The amendments being sought under this Bill relate to schemes classified as 'constitutionally protected', like the schemes established by the State Government. Under such a scheme, a member subject to a surcharge has an option to pay the debt as it accrues, or defer payment of the surcharge liability. Whilst there are taxation advantages in deferring the debt until retirement, the debt accrued at retirement can be quite substantial, leading to the problems which are to be addressed by this Bill. At retirement, an accumulated surcharge debt must be paid within three months of the member being advised of the debt by the Australian Taxation Office. One of the problems facing persons with a surcharge debt at retirement is that it may be up to eighteen months after retirement before the member is aware of the extent of their total surcharge debt. Another problem facing persons receiving their benefit in the form of an income stream or pension, is that they may not have funds readily available to pay the surcharge debt.

The general aim of the Bill is to ensure that persons with an accumulated surcharge debt with the Australian Taxation Office, have at retirement a method of obtaining a lump sum to expunge the debt with the Australian Taxation Office.

The amendments contained in the Bill will permit pension to be commuted to a lump sum, under special terms and conditions established for persons with a surcharge debt. As the lump sum is to be used solely for the purposes of paying a Commonwealth tax, the conversion factors to be used will be determined on an 'unbiased' or full actuarial basis.

Specifically the Bill seeks to amend the *Parliamentary Superannuation Act 1974*, the *Police Superannuation Act 1990*, and the *Superannuation Act 1988*, to provide that where a member is required to pay a deferred surcharge debt following retirement, a further commutation option will be made available to the member. The option is in addition to and separate from the normal commutation option already provided under these Acts.

A similar provision is also proposed for the *Judges' Pensions Act 1971*, but in this case, because members of this scheme do not have a normal commutation option, the provision for commutation will only relate to situations where the member has a surcharge debt which needs to be paid.

The Public Service Association, Australian Education Union (SA), the Police Association, the Chief Justice, and the Superannuation Boards have been fully consulted in relation to these amendments. All these bodies fully support the provisions contained in the Bill.

I commend this Bill to honourable members.

Explanation of Clauses

Clauses 1 and 2

These clauses are formal.

Clause 3: Insertion of s. 17A

This clause amends the *Judges' Pensions Act 1971* by inserting new section 17A. Subsections (1) and (3) respectively enable a former Judge or the spouse of a former Judge to commute his or her pension for the purpose of paying a surcharge debt. As the spouse is not liable for the surcharge debt subsection (5) requires the Treasurer to be satisfied that the amount paid on commutation to the spouse will be applied in payment of the debt or be paid to a person who has paid the debt.

Clause 4: Insertion of s. 21AA

This clause amends the *Parliamentary Superannuation Act 1974* in the same way as the *Judges' Pensions Act 1971* except that an additional subsection (7) is required. This subsection accommodates the member who is entitled to commute the whole or his or her pension for general purposes but wishes to leave sufficient for commutation under the new provision when he or she is finally informed by the Australian Taxation Office of the surcharge debt. This may happen after the period for general commutation under the Act has passed.

Clauses 5 and 6

These clauses make similar amendments to the *Police Superannuation Act 1990* and the *Superannuation Act 1988*.

Ms HURLEY secured the adjournment of the debate.

ROAD TRAFFIC (MISCELLANEOUS No. 2) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of the Bill is to amend the *Road Traffic Act 1961* in order to incorporate:

- nationally consistent legislation to regulate mass and loading provisions for heavy vehicles;
- nationally consistent conditions for the safe travel of oversize and overmass vehicles; and
- nationally consistent Heavy and Light Vehicle roadworthiness Standards.

Governments across Australia have agreed to develop and implement national road transport reforms which promote safety and efficiency, both within and across State borders, and which reduce the environmental impact and the costs of administration of road transport, for the benefit of road users and others in the community. The reforms proposed in this Bill are an important contribution to the development of a system of nationally uniform and consistent road transport regulation.

The passage of this Bill will contribute to meeting the obligations undertaken by the South Australian Government as a signatory to the Intergovernmental Agreement to Implement the National Competition Policy and Related Reforms, signed on 11 April 1995 by the Council of Australian Governments (COAG). The Intergovernmental Agreement makes substantial Commonwealth payments (in excess of $1 billion over 10 years) dependent upon the State meeting its obligations under the Conditions of Payment, which include an obligation to implement the agreed national road transport reforms. The amendments in this Bill form part of those reforms.

Two of the three principal reform areas this Bill is designed to introduce, namely Mass and Loading reform and Oversize and Overmass provisions, both applicable to heavy vehicles, were approved by Transport Ministers in 1995. Progress in implementing these reforms will be considered by the National Competition Council in its assessment of South Australia's eligibility for competition payments, which begins in March 1999.

Many of the provisions contained in this Bill, and provisions planned for the Regulations that will subsequently be made under this Bill, are already operational in South Australia. These important reforms have been delivered over the last few years in South Australia by the adoption of much of the national law by administrative means and piecemeal amendments. Transport SA has now conducted a 'due diligence' process comparing details of the national law and the current South Australian law, to identify any significant differences. This process has determined that the practical implications to road users of introducing legislation concerning the national reforms contained in this Bill are minimal; the amendments will mainly facilitate transparency in the law, rather than making significant changes in the legal requirements placed on the road transport industry.

The current legal framework for the control of oversize and overmass vehicles, for the control of mass and loading and for the control of vehicle standards is not ideal. The application of the law by administrative means and gazette notice has the disadvantage that

it is difficult for industry to determine its legal obligations, without wading through Regulations, gazette notices, administrative guidelines and other such instructions.

This Bill will introduce a rationalised and more accountable framework.

By way of example, 'The Loading Restraint Guide' is a booklet used Australia wide that describes how loads on heavy vehicles must be securely fastened so as not to create a danger to road users. Currently, the booklet is required to be used as a loading guide for oversize or overmass vehicles travelling in South Australia on routes where this is permitted by gazette notice or individual permit. Other road transport industry members tend to use the booklet as a best practice guide, even though it is not required by law. The changes proposed in this Bill will require the use of 'The Load Restraint Guide' by all vehicles through Regulation.

The Bill also introduces a definition of 'operator' of a vehicle in accordance with current national registration practices, and extends liability for a breach of the relevant areas of the *Road Traffic Act* to include the operator as well as the owner or driver of a vehicle. This provision will allow sanctions to be applied more effectively, by including operators in the chain of responsibility where illegal acts occur.

The existing definition of 'road' has always been problematic. It has been left to the Courts on many occasions to determine what is or is not a road. The extent to which 'public access' areas should, or should not, be included in the definition of a road has also been the subject of much debate in the national arena. The Bill reflects the nationally agreed and comprehensive definition of 'road', and introduces the concept of a 'road related area' to deal with the issue of public access areas. 'Road related areas' will now include footpaths, nature strips, other areas used by the public for driving or parking vehicles and areas that divide roads. Supporting Regulations will allow the Minister to declare, by gazettal, that particular areas are, or are not, road related areas.

The Bill restructures Part 4 of the *Road Traffic Act*, currently entitled 'Equipment, Size and Mass of Vehicles and Safety Requirements'. This section will be re-titled 'Vehicle Standards, Mass and Loading Requirements and Safety Provisions'. The Bill provides the mechanisms to allow the on-road operation and movement of vehicles to be administered and enforced. Technical details, relating to such matters as the design and construction requirements of vehicles, standards applying to vehicle mass and loading, and rules regarding the operation of oversize and overmass vehicles are now to be provided for by Regulations and Rules.

The Bill provides for the Governor to make Rules to set standards ('Vehicle Standards Rules') detailing the in-service standards for both heavy and light vehicles. Standards will cover general safety requirements, vehicle marking, configuration and dimensions, lighting, braking, and fuel and exhaust systems for motor vehicles, trailers and combinations.

The Standards are designed to achieve best practice uniformity and consistency throughout Australia. The Standards are designed to improve road safety and take into account the need to provide practical and enforceable rules easily understood across Australia. A further major function of the Standards is to continue the application of the Australian Design Rules (ADR's) to vehicles in-service, as opposed to new vehicles prior to registration.

The Bill allows the Governor to make Regulations to cover a range of standards applying to vehicle mass and loading. These include mass limits associated with vehicle design capabilities, maximum axle mass limits, gross vehicle or combination mass limits, and the size, projection, placing and securing of loads.

The proposed Regulations will consolidate the current Mass Limits Regulations and relevant gazette notices.

The Bill will also allow the Governor to make Regulations regarding the operation of oversize and overmass vehicles, that is those vehicles which carry large indivisible loads, large special purpose vehicles such as plant or mobile cranes, and agricultural machines, implements and trailers.

The proposed Regulations set out the standards for the operation of oversize and overmass vehicles under gazette notice or permit, including mass and dimension limits, operating requirements, the fitting of warning devices, and requirements for pilot and escort vehicles.

Consultation has occurred with affected parties. The National Road Transport Commission has consulted widely with industry and other affected parties, including the National Environment Protection Council, prior to obtaining the approval of the Ministerial Council on Road Transport for the content of the Regulations and Rules this Bill is designed to support.

It is anticipated more consultation will occur as the Regulations and Rules specifying technical details are finalised and presented to Cabinet and the Legislative Review Committee.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

This amends current definitions of words and phrases used in the principal Act and inserts a number of additional definitions.

All of the definitional changes are designed to bring about consistency with definitions and developments in national Road Transport Reform legislation.

Included in the amendments is a new definition of bus. It is now defined as a motor vehicle built mainly to carry people that seats over 12 adults (including the driver). Currently, a bus is a motor vehicle designed to carry more than 8 persons (including the driver).

The term motor cycle will no longer be used, but such a vehicle will now be referred to as a motor bike.

A new definition of articulated motor vehicle is substituted and, related to this, there are new definitions of prime mover and semi-trailer.

A combination is defined to mean a group of vehicles consisting of a motor vehicle connected to one or more vehicles.

New subordinate legislation, corresponding to national Road Transport Reform regulations, will be promulgated as mass and loading requirements under new section 113 and vehicle standards under new section 111 *(see clause 14*).

A number of new definitions relating to axles and various axle groups are added for the purposes of the proposed mass and loading requirements.

It is proposed to insert a new definition of operator. This will reflect changes in other States and Territories and changes proposed to the South Australian *Motor Vehicles Act 1959*. In relation to a motor vehicle, an operator will mean a person registered or recorded as the operator of the vehicle under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth.

The current definition of road will be replaced by a new definition of road and a related definition of road-related area. Road will mean an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of vehicles. Road-related area will mean any of the following:

- an area that divides a road;
- a footpath or nature strip adjacent to a road;
- an area that is not a road and that is open to the public and designated for use by cyclists or animals;
- an area that is not a road and that is open to or used by the public for driving or parking vehicles;
- any other area that is open to or used by the public and that has been declared by regulation to be a road-related area.

Clause 4: Insertion of s. 6A

This is consequential on the insertion of the definitions of road and road-related area (*see clause 3*).

6A. Roads and road-related areas

This new section provides that a reference in the principal Act to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Clause 5: Amendment of s. 38—Questions as to identity of drivers, etc.

Clause 6: Amendment of s. 42—Power to stop vehicle and ask questions

These amendments are consequential on the adoption of the concept of operator in vehicle registration laws and in section 5 (*see clause 3*).

Clause 7: Amendment of s. 53—Speed limits for certain vehicles

Section 53(1) provides that it is an offence for a person to drive certain kinds of vehicles at a speed in excess of 100 kilometres per hour. The new subsections to be inserted in section 53 reproduce the substance of current section 144 which is to be repealed (*see clause 14*).

Clause 8: Amendment of s. 61—Driving on footpaths or bikeways

This amendment is consequential on the substitution of motor bike for the previously used motor cycle (*see clause 3*).

Clause 9: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices

Subsection (1) of section 79B contains definitions of words and phrases used in this section. The following definition is inserted:

owner, in relation to a vehicle, has the meaning assigned to the term by section 5, and includes the operator of the vehicle.

As a consequence of the new definition of owner, the definition of registered owner is struck out from subsection (1) and amendments are made to subsections (2), (3) and (4).

Clause 10: Insertion of ss. 92A and 92B

New sections are to be inserted under the heading *Miscellaneous Duties of Road Users*.

92A. Using lights while driving at night or during periods of low visibility

New section 92A provides that, except as otherwise prescribed, a person must not drive a vehicle, or cause a vehicle to stand, on a road between sunset and sunrise or during a period of low visibility unless the lamps fitted to the vehicle are operating effectively and are clearly visible.

92B. Duty to dip headlamps

New section 92B provides that the driver of a vehicle fitted with a dipping device must cause the main beam of light projected by the headlamps of the vehicle to be dipped between sunset and sunrise or during a period of low visibility, when the vehicle is within 200 metres of another vehicle approaching from the opposite direction.

These new sections replace current sections 119 and 122 (*see clause 14*).

Clause 11: Amendment of s. 94A—Portion of body protruding from vehicle

This amendment is consequential to the change from the term motor cycle to the term motor bike.

Clause 12: Insertion of s. 107A

107A. Vehicle fitted with metal tyres

New section 107 provides that if a vehicle fitted with metal tyres is driven on, or drawn along, a road, the surfaces of the tyres that come into contact with the surface of the road must be smooth and at least 33 millimetres in width. A person who drives a vehicle on a road, or draws a vehicle along a road, in contravention of subsection (1) is guilty of an offence.

This new section replaces section 150, a provision in Part 4 as it is currently arranged (*see clause 18*).

Clause 13: Substitution of heading

The proposed new heading to Part 4 is 'VEHICLE STANDARDS, MASS AND LOADING REQUIREMENTS AND SAFETY PROVISIONS'.

Clause 14: Substitution of sections 111 to 147 and headings

New sections 111 and 112 will appear under the new heading 'Vehicle Standards'.

111. Rules prescribing vehicle standards

New section 111 provides that the Governor may make rules to set vehicle standards about the design, construction, efficiency and performance of, and the equipment to be carried on, motor vehicles, trailers and combinations.

The rules proposed to be made under this provision will correspond to the proposed national *Road Transport Reform (Vehicle Standards) Regulations*.

112. Offence relating to vehicle standards, safety maintenance and emission control systems

New section 112 provides that a vehicle (defined in this section to include a combination—*see clause 3*) must not be driven or towed on a road if—

- it does not comply with the vehicle standards; or
- it has not been maintained in a condition that enables it to be driven or towed safely; or
- it does not have an emission control system fitted to it of each kind that was fitted to it when it was built; or
- an emission control system fitted to it has not been maintained in a condition that ensures that the system continues operating essentially in accordance with the system's original design.

The driver, owner and operator of the vehicle are each guilty of an offence if a vehicle is driven or towed in contravention of new subsection (1) and a person guilty of such an offence in a particular respect is guilty of a further offence if the vehicle simultaneously fails to comply with the standards or new subsection (1) in another respect.

This new section does not apply to vehicles excluded by the vehicle standards from the application of those standards.

For the purposes of this new section, a vehicle is not maintained in a condition that enables it to be driven or towed safely if driving or towing the vehicle would endanger the person driving or towing the vehicle, anyone else in or on the vehicle or a vehicle attached to it or other road users.

New sections 113 and 114 will appear under the new heading 'Mass and Loading Requirements'.

113. Regulations prescribing mass and loading requirements

New section 113 provides that the Governor may make regulations to prescribe mass and loading requirements about the mass and loading of motor vehicles, trailers and combinations, including dimensions and securing of loads and the coupling of vehicles.

The regulations proposed to be made under this provision will correspond to the national *Road Transport Reform (Mass and Loading) Regulations*.

114. Offences relating to mass and loading requirements

New section 114 provides that a vehicle (defined in this section to include a combination) must not be driven or towed on a road if the vehicle or a load on the vehicle does not comply with the mass and loading requirements. The driver and the owner and operator of the vehicle are each guilty of an offence if a vehicle is driven or towed in contravention of subsection (1). The penalty for such an offence in part matches the penalty for the current mass limit offence in section 146 of the principal Act:

- in the case of an offence where a mass limit prescribed in the mass and loading requirements has been exceeded—
  1. not less than $1.75 and not more than $10 for every 50 kilograms of the first tonne of mass in excess of the mass limit; and
  2. not less than $10 and not more than $20 for every 50 kilograms of the excess mass after the first tonne;
- in any other case—$1 000.

A person guilty of such an offence in a particular respect is guilty of a further offence if the vehicle simultaneously fails to comply with the standards or new subsection (1) in another respect.

New section 115 will appear under the new heading 'Oversize or Overmass Vehicle Exemptions'.

115. Standard form conditions for oversize or overmass vehicle exemptions

New section 115 provides that the Governor may make regulations to prescribe standard form conditions to apply to the driving on a road of a vehicle (defined in this section to include a combination) the subject of an oversize or overmass vehicle exemption.

The regulations proposed to be made under this provision will correspond to the national *Road Transport Reform (Oversize and Overmass Vehicles) Regulations*.

For the purposes of new section 115, an oversize or overmass vehicle exemption is an exemption granted under this Part by the Minister in respect of a vehicle from a dimension limit in the vehicle standards or a mass or dimension limit in the mass and loading requirements.

If the Minister grants an oversize or overmass vehicle exemption in respect of a class of vehicles by notice published in the *Gazette*, the exemption is—

- except as otherwise provided in the notice, to be subject to the standard form conditions prescribed by the regulations for vehicles travelling under notices and the class of vehicles to which the notice applies; and
- to be subject to any other conditions the Minister thinks fit and specifies in the notice.

If the Minister grants an oversize or overmass vehicle exemption in respect of a specified vehicle by instrument in writing, the exemption is—

- except as otherwise provided in the instrument, to be subject to the standard form conditions that are declared by the regulations to apply to a vehicle subject to such an exemption; and
- to be subject to any other conditions the Minister thinks fit and specifies in the instrument.

An exemption granted by notice published in the *Gazette* may designate an area or road to which the exemption applies to be in a particular category for the purposes of the operation of a standard form condition prescribed by the regulations.

New section 116 will appear under the new heading 'Towing of vehicles'.

116. Towing of vehicles

New section 116 provides that a vehicle must not be towed by another vehicle on a road if a requirement of the regulations

relating to the towing of vehicles is not complied with. If a vehicle is towed in contravention of new subsection (1), the driver and the owner and the operator of the towing vehicle are each guilty of an offence.

This new section replaces current section 157 (*see clause 22*).

Clause 15: Insertion of heading

The heading 'Enforcement Powers' is inserted before section 148 of the principal Act.

Clause 16: Amendment of s. 148—Determination of mass

The amendments relating to the substitution of 'axle group' for 'group of axles' are consequential on the insertion of the definition of axle group in section 5 of the principal Act (*see clause 3*). In addition, new subsection (3) is inserted to provide that in section 148 vehicle includes a combination.

Clause 17: Amendment of s. 149—Measurement of distance between axles

The proposed amendment to this clause strikes out subsection (1) (which will now be dealt with in the proposed new mass and loading requirements) and amends subsection (2) as a consequence of the insertion in section 5 of the principal Act of the definition of combination.

Clause 18: Repeal of s. 150

The substance of section 150 is now provided for in new section 107A (*see clause 12*) making this section obsolete.

Clause 19: Amendment of s. 153—Determining mass

Clause 20: Amendment of s. 154—Measurement of loads, etc.

The amendments to these clauses are consequential on the adoption of the concept of operator in the vehicle registration laws.

Clause 21: Amendment of s. 156—Unloading of excess mass

The amendments to this clause are consequential on the new definitions inserted in the principal Act.

Clause 22: Repeal of s. 157 and headings

The substance of section 157 is now provided for in new section 116 (*see clause 14*) making this section (and the various headings) obsolete.

Clause 23: Amendment of s. 160—Defect notices

This amendment is consequential on the adoption of the concept of operator in the vehicle registration laws. In addition the penalty provision is amended to be consistent with current drafting styles.

Clause 24: Amendment of s. 161—Suspension of registration of unsafe vehicles

On removal of the suspension of a vehicle the registration period of which has not expired, the Registrar of Motor Vehicles must issue to the person registered as operator of the vehicle (rather than to the owner as is currently required) a registration label for the vehicle. The amendment to subsection (4) is consequential on this amendment.

Clause 25: Insertion of heading

After section 161 of the principal Act, the heading 'Further Safety Provisions' is to be inserted.

Clause 26: Amendment of s. 162—Securing of loads on light vehicles

The amendment provides that section 162 does not apply to a vehicle to which the mass and loading requirements apply.

Clause 27: Repeal of s. 162B

This section is now obsolete as a consequence of earlier amendments.

Clause 28: Amendment of s. 163C—Application of Part

Subsection (2) of this section is struck out as the substance of that subsection has been provided for by the amendments proposed to section 163D.

Clause 29: Amendment of s. 163D—Inspection of vehicles and issue of certificates of inspection

These amendments provide that a vehicle to which Part 4A applies must not be driven on a road while carrying passengers (other than the driver) unless the vehicle is the subject of a current certificate of inspection.

If a vehicle is driven on a road in contravention of new subsection (1), or when a condition of a certificate of inspection in respect of the vehicle has not been complied with, the driver, the owner and the operator of the vehicle are each guilty of an offence.

Clause 30: Amendment of s. 163E—Inspection of vehicles

This amendment is consequential on the adoption of the concept of operator in the vehicle registration laws.

Clause 31: Amendment of s. 163F—Cancellation of certificates of inspection

One of the amendments is consequential on the adoption of the concept of operator and the other is of a minor drafting nature.

Clause 32: Amendment of s. 163GA—Maintenance records

The amendments to section 163GA are consequential on the adoption of the concept of operator.

Clause 33: Insertion of ss. 173A and 173B

173A. Defence relating to registered owner or operator

New section 173A provides that in proceedings for an offence against the principal Act in which a person is charged as a registered owner of a vehicle, it is a defence if the person proves—

- that before the relevant time the ownership of the vehicle had been transferred to some other specified person; or
- that the person was wrongly registered or recorded as an owner of the vehicle.

In proceedings for an offence against the principal Act in which a person is charged as the operator of a vehicle, it is a defence if the person proves that at the relevant time the person was not principally responsible for the operation or use of the vehicle.

173B. Service of notices, etc., on owners of vehicles

New section 173B provides that if a notice or other document is required or authorised by the principal Act to be served on or given to the owner of a vehicle, it is sufficient, in a case where there is more than one owner of the vehicle, if it is served on or given to only one or some of the owners.

Clause 34: Amendment of s. 175—Evidence

Clause 35: Amendment of s. 176—Regulations and rules

The amendments to these clauses are consequential.

Ms HURLEY secured the adjournment of the debate.

LIVESTOCK (COMMENCEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 995.)

Ms HURLEY (Deputy Leader of the Opposition): This Bill arises because, as I understand it, the regulations which are necessary to deal with apiaries and livestock branding have not, as expected, been properly sorted out between the proposed authorities and the industries involved, so a period is required to allow that to happen. The Livestock Act 1997 comes into force on 20 March this year and I am told it is necessary to give the industries some extra time to discuss the way in which the regulations will work with regard to apiaries and livestock branding. This Bill then ensures that the Apiaries Act 1931, the Brands Act 1933 and the Branding of Pigs Act 1964 are continued so that there will be adequate regulation of apiaries and brands while the new regulations are being properly discussed.

The Opposition supports the industries being allowed to come to a consensus on which regulations most suit them to ensure the viability of the industries for the growers and to ensure that health and safety considerations are met: it supports this action. I understand that, in the absence of this delay, the Livestock Act will come into effect and there will be a review under competition policy of the principles which will be triggered in June 2000. It is far better for the industries to be able to sort out among themselves what will happen without, unless it is absolutely necessary, outside review, with regulations being imposed upon them by an outside body. I have discussed this issue previously in terms of competition policy.

I understand it is essential that this Bill be passed by both Houses of Parliament during this session to ensure that there is continued regulation for the apiary and livestock industries. The Opposition is pleased to support the Bill on that basis.

Mr VENNING (Schubert): Sir—

Mr Clarke interjecting:

Mr VENNING: There is always a sting in the tail. I support the Bill. At first I was a little confused when I first glanced at the Bill, because—

Mr Clarke interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: —I thought it dealt with the branding of pigs and bees. The question was how you brand a bee. Certainly, it was a sticky situation. On a proper investigation, the Bill is about the branding of pigs and the future disease control strategies of the apiary industry, which I support wholeheartedly. Both measures relate to the Livestock Act 1997 and these provisions come into force on 20 March 1999. I know first hand what is involved in the branding of pigs because, in my younger days, I was into pigs—

Members interjecting:

Mr VENNING: Not any more: not for several years. When the branding of pigs was first proposed, it was not required by regulation but I chose to be a good example. It requires getting the pigs into a trailer and washing them: the last thing you do before heading to market is to climb in with the pigs and whack them on the back with a pig brander. It was a real comedy, because the machine is lethal. The brand is in little pins and it strikes a pig and leaves a black mark as well as a mark in the carcass of the pig. When you hit the first pig there is a heck of a squeal, the pigs jump all over the place and I was wondering whether it was all worthwhile.

Certainly, I understand how important it is that pigs be branded because of the need to control disease. I am pleased that it will cover the whole of the industry. When these carcasses get to the end user they can be traced back, particularly by the butcher. We have had many diseases highlighted over the years, especially in the erysipelas lines. Thank goodness, through modern husbandry, we do not see that so much now, but it was certainly prevalent then. I was certainly pleased that this has been included in the Bill. We will now see a national livestock identification scheme for the livestock industry of our State. It has been done through our Government via our Minister who has first-hand knowledge through his involvement in ARMCANZ. I am not privy to ARMCANZ but the Minister is. He has been to ARMCANZ and successfully negotiated for this provision, and I think that most people in the industry would be very pleased with the result.

Mr Clarke interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: I will add some extra information. It probably has nothing to do with the legislation but the strip branding of carcasses has always been a pet subject of mine and people in the industry; that is, when the animals are slaughtered, the carcasses are marked again. For instance, when a lamb is slaughtered in the abattoir it is then strip branded as lamb, so that any person on selling or the consumer is guaranteed by the butcher that the carcass is what it has been marked. That is, if you are buying lamb you are getting lamb, not hogget, ewe or even wether. I wonder why we have not come to strip branding. The Minister might want to include that in his explanation. I would understand if it relates to industry politics, but it has been adopted in some countries and in some States but never here even though it has been argued long and hard.

In relation to bees, I very much support the strategy in relation to future disease control, which, I gather, is fully supported by the industry. I am concerned that the bureaucrats do not seize on this opportunity to bring into the bee industry the quality assurance, which is the ASO2001—and the Minister may correct me—or whatever the accreditation is. It is an admirable thing to do, but as long as it is not used to hoist onto our industry people extra paperwork and bureaucracy that they do not want. The bee industry is very competitive and cost positive but only just. Both the Minister and I know several bee growers. The industry from year to year is very variable and subject to very rapid market fluctuations.

Certainly our product is seen as some of the best in the world. Our blue gum honey, which comes from the electorates which both the Minister and I share being in adjoining electorates, is seen as some of the best in the world. I would support the accreditation as long as it is not used by our bureaucrats to hoist regulation onto our industry which it does not want. There is some concern about that and I will watch it very carefully and, if that is the case, I will not be able to resist taking up the case. It is their industry: let them call for that sort of regulation, not us. We are not regulating for that in this Bill, but it could be in addition to this legislation that they do that. Certainly there may be a sting in the tail—pardon the pun—in relation to this part of the legislation.

I welcome this Bill as being, some would say, a knife and fork piece of legislation, but important to those industries which it affects. I support the Bill and I look forward to the Minister's closing comments.

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development): I thank the Deputy Leader of the Opposition for her support and her cooperation in getting this Bill through so quickly and I am very glad that the member for Schubert is pleased to see this legislation. It is basically about good consultation with industry. We are holding back a few regulations to try to ensure that industry has a good say on these three components of the legislation. It really is about giving them time to work through some of the issues. At ARMCANZ last Friday the Victorian Government gave us an update on where it is with the national livestock identification scheme. Certainly technology has offered the opportunity to industry for identification, which, a few years ago, would have been hard to envisage. That is a challenge but we are giving industry some time to work through what is the best way to go.

The member for Schubert has spoken about apiaries. There has been a lot of consultation with the apiary or bee industry over the past 18 months or so. That continues. It is a very important industry. It provides a lot of benefit to other industries through pollination and we are trying to work through with those people how they capture that benefit and what is the best way to go with regulation in the future within that industry. The member raised the issue of quality assurance. That is one topic on which the industry within its ranks varies on what it feels should happen with quality assurance. There is no doubt that as we go down the track it will become important, but it is a matter of how that is done and certainly we are listening to industry and what it has to say on that.

In relation to branding of pigs, it was very useful to hear the member for Schubert's comments. I think anyone who was brought up on a farm has many fond memories of pigs; branding was the easy part. I can remember when I was home on weekends quite often my father used to wait for that extra bit of help to castrate the pigs with a razor blade, which was a very interesting job at the time. I thank members for their support. This is about good consultation with industry and that is what we will do.

Bill read a second time and taken through its remaining stages.

LOCAL GOVERNMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 815.)

Mr CONLON (Elder): The House is dealing with the first of three Bills which are a comprehensive review of the Local Government Act 1934. I will address my comments on this Bill to the three Bills as they do have a certain unity. It is the first full intentional review of the Local Government Act since its inception in 1934. Obviously, I think the great sadness about this review is its manifest lack of ambition, for reasons which I will go into. This Government in its past almost six years has shown a remarkable set of multiple personalities in its approach to reform of local government—

Ms Hurley interjecting:

Mr CONLON: Multiple Ministers, multiple personalities and, in many cases, simply the absence of personality. Its approach has ranged from what one might term hairy chested aggression in its what I would call City of Adelaide Mark 1 approach. The former Premier Dean Brown staked his leadership on the hairy chested approach and should have bet something a bit smaller because he consequently lost it. It has ranged from that hairy chested aggression to what I would call frightened introversion. This manifested itself, strangely enough, in the City of Adelaide Mark 2 approach where, after Dean Brown staked his leadership, the current Premier staked very little, let very little and did very little in the City of Adelaide Bill we saw go through this place, and I would say that it was made worth while only by the contributions of the Labor Party, the Democrats and others in another place.

This Bill is plainly at the frightened introversion end of the Government's range of approaches. It is a shame, because it is absolutely plain that South Australia desperately needs good government at State, Federal and local levels. A brief overview of the development of local government in South Australia would show that a comprehensive review of local government's role in the overall system of good government would have been very worthwhile, but sadly it has not been done. Local government has a very interesting history, one which is not known, I would suggest, to most people who speak on it. I must say that I would be happy if I knew more than I do, and I still think I know more than most. It is very hard to understand a system of government without understanding its history, where it arose from and why it is the shape it is.

It is obvious that our system of parliamentary democracy is inherited from what is considered to be the mother of democracies, the English or British Westminster system. It is also commonly known that our system of local government inherits much of its structure and nomenclature from the local government of Great Britain as well. What is rarely considered is the very different development of local government in Australia from that which has occurred in England, and that is one of the reasons why a thoroughgoing review might have been appropriate. The notion of city corporations, which is so prevalent in our understanding of local government, goes back to the English borough, which was in its origins essentially—

Mrs Geraghty: It sounds like a Mick Atkinson speech.

Mr CONLON: I am advised I sound like the learned member for Spence. I would have thought I had a slightly better timbre in my voice, but I take the compliment. I think I am much more interesting too, but don't let Michael know. The original notion of the city corporation which we see as a modern element of local government goes back to the borough, which was essentially a walled town in very old England and, as such, a place of defence and for its merits recognised by the Crown through a charter of incorporation.

The Hon. M.K. Brindal: It's a hole for rabbits.

Mr CONLON: I am told it is also a hole for rabbits. I congratulate the Minister and always defer to him as being the true expert on rabbits in this place. To digress just a moment, many lawyers and legal historians would know that, along with bishops in old England, the charter of incorporation was the origin of artificial and perpetual legal personalities which so richly inform all our corporate law in the modern time. It is interesting to note also that, to the best of my information, the term 'mayor' that is so familiar to modern local government was introduced to English local government concepts from the French language by Richard the Lionheart when he used the term to describe Chief Reeve or Magistrate of London. The reason he used that term was that as the King of England at the time he could not speak English: of course, he spoke Norman French, as I understand.

An honourable member interjecting:

Mr CONLON: I am asked for the translation. The best I can say is it came from the Latin originally, *major domus*, which meant a judge of murderers. It came from the original role of the mayor in Europe as a chief magistrate and the judge of local crime. I raise these points so that people should understand the very great difference in the origins of the concepts of local government that we have inherited from England and the Australian situation. The grant of the royal charter gave essentially in what was then a very weak system of central government the governing of the borough to the mayor and his council as it exclusively was then. Until very recent history the mayor also did perform the role of magistrate and, as I understand it, until relatively recently was considered to be the head of the Court of Petty Sessions. It was 'petty' only in name, because the Court of Petty Sessions dispensed with the death penalty (capital punishment) with great alacrity some several hundred years ago, but I will not go into that.

More relevantly to the matters that I ask the House to consider, the truth is that English local government developed at a time when there was very weak central authority, and it played the role of both local justice and in the provision of whatever rudimentary services were provided in those bygone days. Similarly, in rural areas the manor house and parish played the role for the countryside, with the king making his regular travelling jaunts to dispense the king's justice. Contrary to the role that local government has had in Australia, in fact, the boroughs had a famous role in the development of the English Parliament, well known to lots of us and highlighted in the development of the rotten boroughs and the selling of boroughs some years ago.

We have not had that history in South Australia and, most importantly, in the country from where we inherited it, local government operates not in a federal system of government but in a system of government where there is one national Government and one local government. It grew up and in fact informed the development of the national Government in England whereas, in South Australia in particular, local government has very much been the creation of the State Government and operates in the federal system, and this has

had a great deal of impact on the role it has been expected to play in all its time here.

Local government in South Australia developed largely in the nineteenth century from specific purpose boards, as I understand it, such as road and health boards and housing or cemetery trusts, that is, boards set up with specific purposes to deliver specific services in certain areas. In fact, as I understand its history, a comprehensive legislative scheme was formed to deal with it only in 1934. I was surprised to learn this in my research into the matter. The point I make out of all that is that local government in South Australia is considered to be a level of government. While I do not wish in any way to downplay the importance of local government, it has been a level of government which has been treated as a level of government but which is essentially the creation of the State Government, and it has developed very fitfully since its early inception. The Minister might be able to tell me this, but I suspect that probably a lower percentage of South Australia's land is covered by local government corporations than is the case in most States.

The reason I bore the Chamber with that piece of history is to say that the great sadness with this piece of legislation is that it has not made the thoroughgoing and comprehensive review of the role of local government as a level of government which might well have been made and which would have been useful to make. In particular, as I said at the outset, South Australia is in desperate need of good government at the Federal, State and local government levels. We face enormous problems as a State. Unfortunately, we have endured from both sides of politics the scourge of economic rationalists in the competitive marketplace. All the problems that adherence to those policies have caused in Australia are most manifest and are felt most profoundly in South Australia. The shift away from levels of protection and the notion inherent in competition that there should be winners and losers unfortunately have served to make South Australia the loser in the national marketplace, you might call it.

We, like the regions, are feeling the pinch. It was very interesting to see the head of the Human Rights Commission, Mr Sidoti, bring down his report which stated that the regions are in fact being denied human rights in terms of the availability of health and education because of the prevalence of some policies that have been around in recent years.

I stress my point: South Australia now desperately needs good Government. One of the things that should have been done is a review of the role that local government plays. It should have been a brave review. Everything should have been on the table in terms of the relationship between State and local government and Federal Government and the roles and functions that each plays. It has not been done. I simply signal now that, should we be returned—and I sincerely hope we are returned to the Government benches at the next election—we will make that review and we will give South Australia the good Government it so desperately needs at present. Having said that—and I stress that this is a great opportunity lost—the attitude of Labor is to support the bulk of the legislation. The Minister has spent 15 months, by and large, making the legislation as uncontroversial as he can. That is unfortunate, but he has succeeded in it. I will go on to identify the problems that we have with the legislation, but I signal we support the bulk of it. The legislation will pass this House without amendment from us. We will consider our amendments in coming weeks to be moved in the Legislative Council and there will be a—

The Hon. M.K. Brindal interjecting:

Mr CONLON: The member for Spence does, indeed, have his regular amendment. I do urge the Minister to comply with it so that we never have to hear from the member for Spence on it again.

The DEPUTY SPEAKER: Order!

Mr CONLON: Before I outline the basic problems we have and alert the Minister to the sort of things I would like answered in the Committee stage, I would say that I can identify one broader problem that I see with the legislation. This Government needs to make up its mind whether it wants to treat local government as merely an adjunct or extension of the State Parliament or as a level of Government. In original drafts, the Government attempted by legislation to interfere unduly with local government. That has fallen away but, like so often with this very weak Government, it still harbors the same desires. However, it hides its lust behind the closed door of the Cabinet room. It now wants to do all of those things, but do them by regulation. This Bill contains far too much potential interference in local government by regulation. We see that as one of the obvious and foremost problems that we want addressed. I am very keen to hear what the member for Gordon has to say about that, he being such a champion in the past of local government. That's you, Rory: are you home?

The DEPUTY SPEAKER: Order!

Mr CONLON: I will canvass those areas in the main Bill to which the Minister will need to refer in Committee—and I can promise that the Minister will be in the Committee stage for a some period of time because I have a large number of questions.

Clause 8 of the legislation, the objects clause, provides that a Council, in the performance of its role and functions, must do certain things. That word 'must' is a new creation, and the Minister might want his lawyers to come back later in Committee to explain what sort of legal implications that has for judicial review of council dealings. The Minister, in his sort of mixed emotions about this, took the brave step of removing aldermen from local government. So, there will not be aldermen any more. It is all very brave, but he has made sure that councils can elect councillors where they used to have aldermen. He has changed the name of aldermen. It is hardly a brave reform and, unless he has a good explanation for it, we will try to fix it up for him with a little more courage than he has shown.

We have some concerns about the new provision dealing with the Boundary Adjustment Facilitation Panel. That is the regime for public initiated submissions to the panel. A number of people have signalled concerns to me about that, in particular the likelihood of those who consider themselves to be in small leafy parts of a larger council wanting to leave them for greener pastures. I will be interested to hear the Minister on that in due course.

Chapter 3, which deals with the boundary facilitation panel, has another example of a frequent urge of this Government, that is, it would attempt to limit judicial review of the activities of the Boundary Adjustment Facilitation Panel. That is not something with which we agree. I think it is nonsense to attempt to limit judicial review, and I simply have an old-fashioned view that where Statute exists and confers abilities, powers and roles they should be done within the Statute.

I note that Chapter 4 deals with the councils as bodies corporate. It seems to me that, contrary to the previous legislation, it would establish councils with all the legal capacities of a natural person. That was not how it was

framed in the previous legislation. They were corporations with a power specifically given in the legislation. The Minister, no doubt, will explain whether that makes anything other than academic difference in due course.

The Hon. M.K. Brindal interjecting:

Mr CONLON: We note also the introduction of subsidiaries or the power to create subsidiaries which are bodies corporate. These are the only bodies corporate that councils will now be able to create. I note that the liabilities of the subsidiaries are to be guaranteed by councils, which would prevent the Patricks type industrial situation occurring. I think that is a positive, but we also need to know more about those before we could give them our full approval. I would signal that it is very important that the industrial interests of workers are protected if they are going from councils to subsidiaries or from old section 200 controlling authorities to subsidiaries.

The first part is what I consider to be the back door attempt to get something that the Government does not have the courage to seek through the front entrance. Part 4 of Chapter 4 requires councils to adopt policies on contracting and tendering. This in itself I find a rather odd thing given that the councils have all the powers of a natural person. I would have thought that, if they needed a policy to deal with those things, they could form one and, as they are considered to be a level of government, it seems not an unusual power to allow them to make decisions such as that. But the real sting comes in that part of Chapter 4 which requires that those policies adopted by the council be consistent with regulation (clause 50(4)). This seems to me to create the potential for a regulation to require compulsory competitive tendering, which has not been put in the Act.

The Hon. M.K. Brindal interjecting:

Mr CONLON: I am assured by the Minister that the Government will not do that. The fact is that I trust this Minister but I do not know whether I will trust the next one on the regular Government roundabout with regard to local government.

The Hon. M.K. Brindal interjecting:

Mr CONLON: One hopes it is me and one hopes that it is me very soon. I can tell you that we will be doing more than that, Mark. We will be doing a little more than this little Bill you have done. Councils are now required to produce a public consultation policy but they are not to be trusted to do that on their own. They are not to have a regime set out in legislation in case someone has an argument with it: it is to be consistent with regulation. We have difficulties with that.

There is a requirement for councils to adopt a code of conduct for members of council and, one would assume, that is not unreasonable. As a level of Government they should have it, but what do we find in the subsection? It is to be consistent with regulation. As I said at the outset, the Government must decide whether councils are, in fact, a level of Government which control their own affairs in any degree or whether they are to be forever tied to the coat-tails of the Government and, even worse, Executive Government.

There are provisions for registers of interests for councillors. We, of course, support those. Again, in terms of the current Act, those provisions are set out in the legislation. I will give all members in the Chamber a guess as to how those provisions are set out in the new legislation. That is right, they are to be made by regulation. We do not support that. We believe that a register similar to that which we by our action inserted in the City of Adelaide Bill should be included in this legislation.

There is a requirement for a register of interest of employees. We have difficulties with that. The employees in question are the Chief Executive Officer and what are described as 'senior executive officers'. Plainly, the employees are not in the same position as elected members of Government. They do not exercise a law-making power: they exercise discretions according to the legislation. We believe that it might be appropriate for there to be a register of interest for employees who exercise significant statutory discretions, but that register of interest should be available only to elected councillors and not for publication. Unfortunately, there are provisions that would seem to allow that register that applies to employees to be raised at council meetings and, quite possibly, recorded in the minutes. We certainly do not believe that employees of councils should be placed in the same position as elected members. There are provisions—

The Hon. M.K. Brindal interjecting:

Mr CONLON: If the Minister had listened he would have realised what I said. I said that I support a register of interest for employees who exercise significant statutory discretion, where their holding of interests might influence the exercise of discretion. It is a pretty straightforward point. It should not apply to employees merely because they are employees and it should not be subject to being divulged, disseminated or published to people beyond the elected members of council to whom they are answerable.

We note that there are now provisions to set allowances for members of council not tied to compensation for expenses. We see that as a positive step because, if we were all honest, we would say that the system has never worked quite as the legislation intended, anyway. I am conscious of people beginning to nod off, so I will work through the remainder of it.

Members interjecting:

Mr CONLON: It was me who was primarily in danger of nodding off, I must say. Again, for the first time in this Bill, as opposed to the current legislation, the proceedings of council (which were formerly within the ambit of the council to determine) can be determined by regulation. It is difficult to understand what deep suspicions the Government harbours about local government; but it obviously does because it wants to make sure that it can make a regulation to control any decision they might make.

Another matter that the Minister might want to brief his lawyers on in advance of the Committee stage relates to clause 92(10) of the Bill, which seems to have the legal effect of giving to councils a significant protection from defamation in their proceedings, minutes or documents. I have concerns about that if that is the case. Parliamentary privilege is enjoyed in this place and probably should not be extended to councils unless some very good reason exists for it. I would like some consideration given to what the legal effect of that truly is.

The Hon. M.K. Brindal interjecting:

Mr CONLON: I am quite well aware of their right to qualify privilege. The problem is that—and I will go through this in more length during Committee—provisions in the Bill indicate that anything done or said by a councillor in pursuance of that councillor's role is not actionable against the councillor but is actionable against the council. We then have a provision which states that proceedings, minutes and documents of the council are not liable for defamation. It seems to me that if a member of the public is defamed by a councillor or the council he or she should have some remedy.

Unless there is a better argument than those put forward so far we would find it hard to support.

I note also that there is a provision in the current legislation that council meetings must be held after 5 p.m. unless there is a unanimous vote of the council to hold the meetings at different times. I understand that this was included in the legislation in the forlorn hope that a worker might one day be elected to a council. I do not mean that: I know that a number of workers are elected. It is a good provision. It is to be removed from this legislation, with the setting of meetings to be in the hands of the majority of councillors. I do not see why it should be removed. I do not think it is an unreasonable condition that if someone needs a meeting to be held after 5 p.m. that it should be. It does not say that meetings must be held at an outrageous hour but merely after 5 p.m. I signal that the Opposition believes that that provision should remain.

When we get to the provisions dealing with council staff, we again see a familiar habit of this Government. We note that later in the week Lord Armitage will bring down his legislation which might well be entitled 'Keep putting the peasants back in their place,' but is otherwise termed the Industrial Relations Bill. This Government has an abiding antipathy towards workers. It has deep distrust of them and it has an ideological bent towards the imposition of contract terms.

Legislation requires CEOs and senior executive officers, which have a fairly loose definition, I must say, to be on contracts not exceeding five years. Our position is very clear: the current industrial regime in this State, after five years of this Government, does not compare with the far better regime instituted through negotiation by unions in the local government area, and by councils. The existing industrial instruments allow all the flexibility that councils need to employ people. Councils are able to decide whether a contract should be used in certain circumstances and they do it within a negotiated framework. They do not need this Government's imposing its ideology of fixed term contracts and we will be opposing that.

I note some other aspects which I found quite bizarre, given my knowledge of industrial law. One is that, under the legislation, the CEO can be terminated for a number of reasons; that he or she can have their contract terminated for any breach. My knowledge of industrial law is such that I understand that the contract has two sides, and one needs a repudiatory or fundamental breach before one can hold the contract to be at an end, and I am not sure why CEOs, for example, can be terminated because they forgot to ring up and say that they were coming in one day. It also states that they can be terminated for misconduct. I would have thought that a little more than misconduct, which might be using the word 'bugger' or something like that, would be necessary. A provision known in the industrial law refers to gross and wilful misconduct, which would no doubt be contained in many industrial instruments, and that would properly be applied, but not this provision. I just do not understand why.

This Government does not seem to need a problem to fix that problem. No-one has said that they have problems with their employees, that they have to be able to sack them more easily or that they have to put them on contracts. These are employers. This Government is great at solving problems that no-one has and, in doing so, it undoubtedly creates some.

The Hon. M.K. Brindal interjecting:

Mr CONLON: The Minister is going to tell me why. If the Minister can explain to me and convince me how in the current industrial regime it is too difficult to terminate an employee, he is a far more persuasive fellow than he has exhibited in this Chamber in the time that I have been here.

We have concerns about another provision. A good provision in the human resource management principles in the existing legislation, which protect employees and those seeking employment, is that it is a requirement that, with employees or those seeking employment, councils shall not subject them to unlawful or unjustifiable discrimination, which we think is a fairly good provision. It is removed from this legislation. I am not sure that anyone acted upon it, and I did not know it was there. I think it is a good provision and I would like to keep it. Those seeking employment and those in employment should be protected from unjustifiable discrimination.

My next point relates to another problem which no-one has and which the Government needs to fix. Councils are required to establish a code of conduct for employees. My recollection is that employees are still required to obey all lawful orders that they are given. Apparently in the eyes of the Government that is not sufficient protection for councils employing people. They need them to abide by a code of conduct. I would have thought that any council that wanted a code of conduct could have one. If they wanted to rely on that mere power to get their workers to obey all lawful orders, they could rely on that, too. Apparently not. Lo and behold, if that is not enough, the code of conduct that the council establishes must be consistent with regulations. This mob cannot stay out of things that do not concern them. I think they should butt out of the relationship between councils and their employees.

I turn now to what I consider to be potentially the most regressive part of the legislation in terms of powers to levy rates and charges. It has been a longstanding principle in the legislation that the first rule of setting rates is that they are based on the value of land. That has been watered down in this Bill and, in fact, there is an ability to establish a fixed rate not based on the value of land. That is completely regressive. The current legislation contains provisions for setting minimum rates, which already are the subject of much complaint by some of the people living in the northern suburbs, and we do not believe that we should go down what is essentially a regressive path of leaving the principle that you pay according to the value of the land you own as opposed to some other system that a council may wish to impose.

Ms White interjecting:

Mr CONLON: Sorry, value of the property. There is a new regime that we see as a positive step to deal with community land, which is aimed towards the preservation and management of open space and parklands. It is good that we have gone down that path. There is an overuse of provisions relating to regulations, which we will deal with in Committee, but it could have been a lot braver. I have two points to make in closing. The first is that clause 249 deals with councils making by-laws, and I have to refer to this because it is an absolute beauty. It has a number of commonsense provisions that by-laws must comply with—fairness within the scope of the Act and the power given—but the provision also states that the by-laws cannot be challenged for non-compliance. The Minister might want to explain to me the point of that measure. Is it a suggestion box from councils?

The last point that I deal with concerns chapter 12, which deals with authorised persons, and an extensive list of powers is given to persons authorised by a council. Some of those

powers seem excessive. Some of the offences should be reviewed and there is a watering down of the privilege against self-recrimination contained in those provisions. Those are the primary concerns and points that we have with the legislation.

As to the piece of legislation dealing with council elections, we have some concerns which I might canvass at a later date. All in all, we support the Government's review, but we think it has been lamentably unambitious. We will amend those provisions which, as I have indicated, we think are unfair, but otherwise we will allow the matter to proceed.

Mrs PENFOLD (Flinders): It gives me pleasure to support this Bill and the associated Bills. At the Eyre Peninsula Local Government Association meeting at Wudinna last week, delegates expressed satisfaction with the way in which the Local Government Minister, the Hon. Mark Brindal, had dealt with local government officers and members in the review of the 1934 Act and the drafting of the Bills now before us. I have been appreciative of the numerous briefings and the two-day seminar that the Minister provided to keep members of the Government informed, with every opportunity to participate in the development of the Bills. The Government's vision for the State includes a stronger, more efficient local government sector which is able to play a key complementary role with the State Government in economic development, ready to meet the challenges of the twenty-first century.

Cooperation is one of the keys to success in a region. On Eyre Peninsula, where there are 10 local government bodies in my electorate, the value of cooperation is obvious. Projects and issues go across local government boundaries and Government departments. Everybody wins when all concerned work together on the outcome. The pooling of local knowledge has far greater advantages in the country than in the city. In the metropolitan area issues have much the same framework no matter where they are, but access to health care for a family living in station country is vastly different from access for a family living in Port Lincoln, and access to health care for a family living in Port Lincoln is different from access for a family living in the metropolitan area.

I have been pleased to see the development of close cooperation between groups of councils on Eyre Peninsula. The councils may not choose to amalgamate. However, the need to work even more closely together in the complex industrial and commercial world of today is essential. I will mention just a few examples. Each council does not have the resources to have an expert on health, labour and industry, development, finance grants, recreation and so on. However, by working together, a person with expertise in one or two of these fields can be utilised by more than one council to the benefit of all. Thus specialist areas can be covered, for in our region of the State it is usually a matter of helping oneself because there is no-one else to call upon.

The plethora of experts and departments that are easily available in metropolitan councils are often conspicuous by their absence in rural South Australia. The new legislation encourages an economically and socially effective system of local government. The value of local government has been demonstrated over many years. Local government on the whole has a good record in economic management. The legislation addresses the need for local government to be accountable to ratepayers and open in its operations and decisions. Volunteers are one of the assets of local government and, in fact, it is only in the past few years that councillors have received remuneration for their services. But councils in rural areas still rely on volunteers for many of their committees.

Much of the social activity in my electorate is organised in areas that equate with local government districts: sport is a classic example. Therefore, a local council plays a significant role in the social life of its community. This is a significant difference in rural South Australia from our city counterparts. A wonderful joint funding venture has just been announced between the District Councils of Streaky Bay, Elliston and Le Hunte. An Active Communities Project Officer has been employed through the Department of Recreation and Sport to promote active participation for all ages throughout these communities.

One of the purposes of the revision of the Local Government Act 1934 is to remove some of the complexity that has built up around it. It seems logical that one set of laws and regulations should cover all jurisdictions. Therefore, locating laws and regulations in the specific legislation that deals with the function is a step in the right direction. This is relevant in traffic management, for example, where States are moving to national traffic codes.

Change is a constant in life today. While the immediate future is covered, the Bills are designed to be flexible enough to accommodate change without a wholesale rewriting of the Act. This allows for certainty, which is essential to good governance. We are hearing more about competition principles through all tiers of government. I quote from the second and final report of the South Australian Constitutional Advisory Council, as follows:

> Meanwhile, in October 1992, Mr Keating commissioned Professor Fred Hilmer to chair an inquiry into competition policy focusing on sectors of the economy (such as electricity generation) which had been protected by State jurisdiction from the Federal Trade Practices Act's competition requirement.

A component in the Local Government Act review has been the review of the Act as the competition principles agreement applies. The only restrictions on competition retained in the Bills are those necessary in the public interest. Regulatory powers contained in the Bills include processes to consider the effect that any exercise of them may have on competition. Some areas identified as having a potential to restrict competition have been included in the Local Government Bill after careful assessment of their costs and benefits to the community. These are: approval of requirements for some uses of public land; professional qualifications for valuers and auditors; and capacity for councils to give rate rebates to encourage businesses. Processes for the adoption of by-laws in future will have to include examination of proposals for competition implications.

In each of these cases mentioned above, the Government is confident that the benefits to the community of the proposed measures outweigh the cost of potential restrictions on competition. The State Government believes in equality of people: therefore, it is appropriate that local government elections form one of the Bills. The principal aims of the Local Government (Elections) Bill are to encourage greater community participation in council elections and to establish fair and consistent rules and procedures which are as simple as possible.

There has been a good deal of discussion as to whether a council should be able to choose the voting system and the system for counting votes to be used in its area. The Government has considered this argument carefully. Certainly, in very many ways, one size does not fit all in local government.

If it did, we perhaps would not need a local government system. The concept of different things being possible in different council areas is a central theme of the new legislation, although this has to occur within a recognised framework. Many rural councils have gone to postal voting for council elections, finding it cheaper than polling booths. It is also easier for those living on farms or in isolated areas, since the voting slips can be returned by post at a convenient time rather than their having to make a special trip to a regional centre.

I acknowledge the input of the Local Government Association in its endeavours to help to implement a more simple set of requirements for the corporate planning provisions. I understand that the association is also working on best practice in corporate planning in a range of council environments. It is anticipated that some of this work will be tailored to assist councils under the new requirements. I commend the local government Bills to the House as a step in positioning South Australia for the new millennium.

Mr HILL (Kaurna): I want to make some general points about the Bill and about local government. This is clearly a Bill that has gone through many drafts, and there is a lot of paper—about 14 inches of paper. There has been extensive consultation, and all the rest of it. But I think, as the lead speaker for the Opposition, the member for Elder, said, it is a fairly minimal Bill: it does not do very many substantial things. It certainly does not go as far as the Labor Party would like to see a review of local government go.

I make that general comment in the context of what happened over the last few years, when the former Minister for Local Government (the now Speaker) was in charge and established a process of causing amalgamations of councils. It was done on a voluntary basis so as to—

Mr Clarke: He lost his ministry.

Mr HILL: Yes.

An honourable member interjecting:

Mr HILL: So has the next Local Government Minister. We will not go into the history of Local Government Ministers, fascinating as it is. There was a voluntary process of amalgamation, and I emphasise that it was voluntary, because it allowed certain key councils protection from amalgamation in the more privileged areas: but, certainly, in the working class areas that I represent, amalgamation went ahead. I was one who fully supported the amalgamation that formed the City Council of Onkaparinga, and I know many—

The Hon. G.A. Ingerson interjecting:

Mr HILL: Flags as well. I remember talking to many of the constituents in the most southern part of my electorate, which used to be in the Willunga Council area, who were very nervous about what a large council might mean for them. I said, 'If you are complaining about this, you are mugs. You will be much better off under a larger council for two reasons'—

An honourable member interjecting:

Mr HILL: I said, 'You would be mugs if you protested.' I said, 'You would be advantaged for two reasons. First, you will have a council which is much richer than the one you currently have and which can do some of the work that you urgently need to have done in this area; and, secondly, you will have a much more professional staff able to provide services to your area.' I believe that the amalgamation has proved that to be correct and that the services provided by the City of Onkaparinga have improved dramatically. I think even the most doubtful residents of the former Willunga area now accept, approve of and appreciate the new amalgamated council. So, the result of amalgamations has meant bigger, more professional, more efficient, I hope, and better resourced councils able to do good work and big work in local communities. Unfortunately—and this is a long-winded way of getting to this point—the reform of the elected side of council has not proceeded at the same pace as has the reform of the bureaucracies of council.

An honourable member: Hence this Bill.

Mr HILL: I do not believe that this Bill goes nearly far enough—this is the point I make—and I am sure that most members in the House have the same experience. I would say that a good 30 per cent or 40 per cent of the constituent inquiries I receive in my office are in relation to local government matters, and all you can do as a local State member is refer the constituent's concern to the council. I do that on a daily basis with the Onkaparinga Council. I write to this—

The Hon. G.A. Ingerson interjecting:

Mr HILL: Certainly; not quite a constituent but a resident in my area, the member for Bragg—a part-time resident, I suppose. As I say, a good 30 per cent of the constituent inquiries that I receive in my electorate are local government matters. I write to the City Manager, Jeff Tate, in every case or I get on the telephone and say, 'There is a problem here; can you fix it up?' I would say that, in 95 per cent of cases, I get a letter back within a week or so—much more quickly and with a much better rate of success than with Government Ministers, I have to say. I get a letter back after a week or so saying, 'We have investigated this problem and it is fixed.' They send a copy to the resident and a copy to me and it is all resolved.

The question I ask is: where are the local members of council in all this? I do not blame them: they are at work or doing other things. They really do not have the resources, the time or the back-up to attend to the constituent inquiries that are generated now in a large council area. Half my electorate is now represented in one council ward by three councillors, all of whom are involved in work and are not available on the phone during the daytime for constituents. So, naturally enough, they come to their State member. I would like to see a reform package introduced that put some professional skill behind those local councillors and gave them some time to do the job that they should be doing so that my office and the office of other State members was not taken up with looking after local council members. That seems to me—

Mr Clarke: What do you do all day?

Mr HILL: Yes, what do I do all day? I look after environment issues. It seems to me that what should happen is that in a big council—and I certainly would not say it for Walkerville or some of the other smaller councils around the place—such as Onkaparinga I would like to see members of council with some permanent time allocated to them to do their job. In other words, I would not like to see them as full-time paid officials but having a part-time allowance to allow them to do their job properly and to compensate them for not being able to do some of their paid duties if they are in the work force. You would want to reduce the number of councillors, because you would not want 20 part-time councillors running around the place, and I would like to have seen in this Bill some mention of the maximum size that a council can be.

I think the Onkaparinga Council now has about 20 elected members. That is far too many. It kept a larger pool when the councils amalgamated but clearly it is within the council's

province to reduce that number but, given self-interest, I think it is unlikely that the council will do that. There should be fewer members of council—probably a dozen or so in the case of Onkaparinga—and they should be rewarded properly for the work they put in. They should be part-time permanent councillors for their term.

Unfortunately, this Bill does not do any of these things and leaves the elected council still as part-time amateurs who dabble in local government. I do not think, given the modernisation that has happened in local government, that is good enough. It puts councillors at a disadvantage when it comes to appointed officials who have spent all their time working on complex matters before the council because these part-time volunteers have to come after hours and get through a whole lot of stuff that has been prepared and make decisions. Most put their hand up in accordance with what is recommended to them, which might be a sleight on some of them, but I am sure many put their hand up and vote according to whatever council officers say. That is not a good system. We should have a system which allows those elected members to spend time, think through it and be more critical and analytical in the process.

Mr Clarke interjecting:

Mr HILL: Most of the councillors would agree with that. The member for Ross Smith mentions the State council being a role model.

Mr Clarke interjecting:

Mr HILL: State Parliament. In fact, the electoral provisions that the Minister has included in the Bill would have been better if he had used the electoral provisions that apply to State Parliament. As it is he has a separate set of provisions which seem to me less adequate than the ones that operate in this Chamber. For example, we have voluntary voting, which we do not have here. We have a voting system which is optional. A couple of varieties of voting system apply in local government.

The Hon. M.K. Brindal interjecting:

Mr HILL: I stand corrected and that is an improvement, if that is the case, but it is still optional.

Members interjecting:

Mr HILL: Optional preferential. The point I am making is that we should have one system applying to both elected bodies because it does confuse electors when they go to vote for a State member of Parliament and the electoral system is different from the one that applies when they vote for local government and *vice versa*.

Members interjecting:

Mr HILL: That is one reform I do not suggest you make. I do not think we need an Upper House in local government, but I would like to see the Electoral Commission being responsible not just for ticking off the review of boundaries but for creating the boundaries as well so that the same process applies to local government as applies to the State Government.

An honourable member: Every four years.

Mr HILL: Perhaps not every four years but on a regular basis because there obviously have been examples in the past where a kind of modern version of rotten boroughs has been created.

The second and probably the major issue I want to talk about briefly is the point that the member for Elder, the Opposition spokesperson on local government, raised that the Bill has not really addressed the major issue, that is, the review of functions: what functions should be carried out by a local government authority and what functions ought to be best carried out by a State authority. I would like to point out a couple of issues about which I have particular concern. Under the current arrangements issues to do with waste management and recycling are almost completely left to the discretion of local government authorities, so one authority does it well and another does not do it at all, and another authority does a bit here and a bit there. It is just not acceptable in this modern age that that is the case.

I clearly think there is a role for local government in waste management and recycling, but there is also a role for the State Government which should have a much stronger role in managing these matters. If a proper review of the functions had taken place, I am sure that would have been one of the outcomes. Equally, in areas of coastal management there is a haphazard and *ad hoc* system. Many authorities have a say in how coasts are managed. Clearly, the State Government and local authorities have a role but what those roles need to be should be properly analysed and spelt out. This Bill certainly does not deal with them.

Then there are issues which, at the moment, are completely within the province of the State Government but which I think we should consider passing over to local authorities. For example, most local authorities look after or have a role in the management of parks and recreation facilities within their area. Some look after sporting club grounds and even sporting club buildings. It seems to me that we could go one step further and delegate to local authorities the maintenance of ovals associated with public schools in an area. It would seem sensible enough if councils take on staff to manage recreation areas, parks and ovals and so on, they could look after school ovals as well.

Members interjecting:

Mr HILL: Of course. I am not suggesting it should be on a voluntary basis but it should be on a professional contracted basis. But it may be sensible for those local authorities to manage the ovals so that on weekends and school holidays there is some presence on those properties so that sporting and other groups could use them as part of the community facilities. Certainly, it is not a proper role for the State Government and is usually delegated to school councils but, at certain times of the year, school councils are not around. Therefore, it makes sense if some of those facilities were brought within the province of the local authority.

The last point relates to the Adelaide parklands, which are specifically mentioned in the Bill and I am glad of that. I understand that the City of Adelaide has been undertaking a comprehensive review of the Adelaide parklands. I have made representations to that review and participated in a tour of the parklands conducted by the Adelaide City Council. It was a good trip. Not many members of Parliament took part in that trip and I would encourage those members who have not had a close look at the parklands recently to do so because it is well worth seeing what an amazing resource we have and how under-utilised or how badly utilised the parklands are.

I am not sure whether the Minister has had the advantage of seeing what the review of the parklands is proposing. I have not seen the final report or any report on the review of the parklands but I would like to see the outcome of that review included in the Bill. It seems to me that there is an argument that not only should the City of Adelaide be involved in management of the parklands but also the State Government because the city parklands are of value not only to the City of Adelaide and the residents but to the whole of the State. They are an icon for the whole of South Australia and not just for the city government.

In fact, I have made this point in committees before but it was put to me by the manager of Centennial Park in Sydney, to whom I was talking about parklands generally, and he said, 'The thing about Adelaide is that it is not a city surrounded by a park but a city within a park.' There is that subtle distinction and, if it was captured by the city review and captured in the legislation, it would change the way we look at our parklands. They should be integrated into the management of the city and the councils on the other side of the parklands, because I would like to see a role for them in the management of the parklands as well.

The Hon. M.K. Brindal: I am not sure about that particular issue.

Mr HILL: And I think they should pay for it too, because many of your constituents live in the City of Unley and use—

The Hon. M.K. Brindal: All my constituents.

Mr HILL: Sorry. Yes, all your constituents live in the City of Unley and many of them use the Adelaide city parklands and they are not at all responsible for the maintenance of or paying for that facility. While I am on that point, I think the city cemetery (which is adjacent to the parklands) should be brought under the control of the city parklands. I would like to see some city parkland trust established which should include representatives from State Government and perhaps the other council areas. It should not only include the parklands but the cemetery as well because it is an important part of the parklands and to exclude it and include it with management from Enfield is pretty silly.

Mr McEWEN (Gordon): I rise to speak briefly to a Bill for an Act to provide for local government and other purposes. The objectives set out in the Bill are a fine stepping off point for bold, imaginative and much needed reform between State and local government. In the objectives we talk about better governance and sufficient autonomy to manage local affairs. We should allow for diversity, not just bland sameness. The objectives talk about accountability of councils to their communities, a reaffirmation of the democratic process and improving the accountability of the local government system. Again it should read 'to those who fund it'. The objectives also talk about encouraging local government to provide appropriate services and facilities. It ought not say 'to be a dumping ground for those services and facilities from which other levels of government have walked away'.

The objectives are high ideals and great motherhood statements but, unfortunately, they are not translated into action in the Bill because the devil is always in the detail. Unfortunately, the Bill falls far short. Rather than work back from the—

An honourable member interjecting:

Mr McEWEN: Yes, groan. The whole of local government is groaning, unfortunately, because this is the first opportunity since 1934 and that is the sad indictment of this Bill—so, well may you groan. Rather than work back from the future, from the vision, from the ideal, this State Government chooses to progress change in an incremental manner. What is really needed is a quantum leap, a bold new approach to the defining of State-local government relations. The member for Elder was right when he said that the first opportunities lost were City of Adelaide Mark 1 and then City of Adelaide Mark 2, and he talked about manifest lack of ambition. He was right, because at that time there was an opportunity to progress a concept of greater Adelaide, but the opportunity was lost.

The member for Kaurna talked about a sadly minimal Bill, and again he is right because the Bill fails to translate into a legislative framework the very ideals set out in the memorandum of understanding between State and local government relations, the third edition signed off in February 1994—at that time between the Premier and the then Minister for Local Government and now Speaker of the House. At that time that memorandum talked about 'progressive negotiation of agreements between Ministers and the Local Government Association'. Where are the clauses in this Bill that capture this intent? Don't look for them; they are not there.

This memorandum of February 1994, itself a revision of an earlier memorandum first signed by Premiers Arnold and Bannon, also pledged a whole of government approach to inter-government relations. Indeed, this is a lofty goal, one we should strive for, but a goal that is not progressed in this Bill. If it is good enough to be signed off by a Premier, then it is good enough to be formalised in a legislative framework. All 14 clauses of that memorandum of understanding need to be revisited as part of this process, and certainly during the Committee stages I will be looking to find where there is some action that embraces some of those 14 points in what is a very fine statement of what State-local government relations should look like.

It is a fine statement. It has been crafted over a number of years now through two Governments—Governments of different persuasions I might add—but it does not translate into any action in this Bill. Unfortunately, that is the opportunity lost. The State Government chose to enforce structural reform. Structural reform was progressing in a voluntary manner. I had the privilege to chair a council that worked through that process. Unfortunately, State Government took voluntary to compulsory. Obviously this process has halved the number of local government municipalities in this State. This process has been successful to differing degrees, depending upon circumstances.

Mr Clarke interjecting:

Mr McEWEN: I will not even bother answering that. This process has been successful to differing degrees depending on circumstances but, on the whole, has produced a positive short term outcome—and I acknowledge that. There were savings to be made through creating a larger critical mass giving greater purchasing power and greater leverage in commercial negotiations, just to give a couple of examples. The downside has been the loss of identity and local civics. A loss of local identity is a problem where you take a whole lot of small towns and put them into a municipality, for example, such as Wattle Range, although I must commend the mayor in that situation who has embraced the fact that he is the mayor of a whole lot of small communities within a municipality.

The process of structural reform should have been the stepping off point for functional reform. This is the key failure: this should have been the stepping off point for functional reform, the stepping off point for redefining the relationship between two spheres of Government collectively serving a shared constituency. Sadly, this is not the case. Of course the failure is translated into a couple of examples given by the member for Kaurna. One of them is in waste management, where we now find ourselves in the farcical situation where the State Government through a different Minister will attempt to use legislation as a dispute resolution mechanism between two municipalities. Will the Minister get a belting when that Bill comes to this House? Absolutely

ludicrous. But why—because there is a lack of framework within which to deal with State Government relations.

What is required at this time is a maturity grown out of partnership, a maturity grown out of the experience of structural reform, a maturity that should at this time manifest itself in the embracing of a framework and a shared compact directed at achieving the ideals set out in the objectives underpinning the Bill. Fine principles and fine functions have been identified, but unfortunately the architecture fails to take it through and translate it into some action. The stepping off point for such an architecture could be a memorandum of understanding between State and local government, for example, such as the one signed off originally by Arnold and updated by Bannon and later by Brown. To me such an expression of relationship should be the key component of a Bill, but sadly it is missing.

It is worth reflecting on the fact that local government and State Government interface in at least 64 different pieces of legislation. Given this is a complete set of interactions and internal contradictions, what is clearly needed is a set of rules for engagement. Sadly, this is not the approach adopted by the Minister and the Government. The Bill will be seen as an opportunity lost. At a time when economic rationalists have ripped the heart out of rural and regional Australia, at a time when both State and Federal Governments have triggered a stampede of services out of regions, in many of them all that is left is local government. Competition policy was meant to be offset by competition payments to compensate communities. Community service obligations were to be funded through this mechanism, but it has not happened. The money has not flowed back; the compensation is not there.

Local government is increasingly seen as the provider of last resort. Transfer of services is fine; on occasions it is the most efficient and economic mechanism to deliver services, but transfer of service responsibility without securing funding is blatantly dishonest and clearly not sustainable. Subsidiarity is about defining the most appropriate set of service points. It is not about blatant cost shifting. This Bill should be used to construct the legislative framework that will protect local government from such cost shifting. Without such protection often the stark choice of local government is to grin and bear this blatant cost shifting because the alternative—no service at all—is clearly not a genuine alternative for those who are left standing—the last responsible level of government, local government.

In terms of aged care that is a classic example. The member asked earlier about the City of Mount Gambier. The District Council of Grant and the City of Mount Gambier over the past couple of years have been forced to put something like $800 000 of ratepayers' money into aged care because the other two levels of government have walked away from it. So, that is how it is supposed to work.

If the Bill is about genuine reform, we should be turning to the Premier to formalise a Government to Government framework within which functional reform is progressed. This is not a ministerial role. Ministers come into play depending on which of the 60-odd Bills we are dealing with. There is a role for the Local Government Minister, but only as it relates to the administrative framework, and this should be minimal. Local government does not need an over-prescriptive Bill and a benevolent Minister. Much of what is in the Bill should be left exclusively to local governments and to the communities they represent. It is not the place of one sphere of Government to direct another as to how to choose to govern its community. Those elected are accountable through regular elections for such governance decisions; they are accountable to those who elect them. This is the dilemma in the Bill. Imagine if the State Government found itself in the same relationship with Federal Government. We have an opportunity to create a new environment where civic entrepreneurs can work within a local governance framework to create wealth, economic growth and jobs but, sadly, this Bill falls way, way short of this ideal.

The Hon. M.D. RANN (Leader of the Opposition): I rise to speak briefly in this debate on this legislation. The shadow Minister for Local Government, the member for Elder, has already outlined that the Opposition will adopt a positive stance in regard to this Bill, looking to pursue in another place greater detail on many of the matters raised in the Bill. Certainly, a positive approach is vital, given that this is the first attempt at a comprehensive overhaul of local government for some time. The new millennium will make local government more, not less, important and it will make positive links between State and local government all the more important. This is said to be the age of globalisation, but in successful economies it is also the era of regionalisation. I was in Britain recently, and certainly the whole thrust of the new Blair Government is towards devolution. That involves giving State Government type powers to Scotland and Wales but also reinforcing the role of local government and, in particular, regional government. They talked about a number of regional partnerships that involved the devolution of national government responsibilities through to new regional organisations.

Certainly, in my early days as Minister for Employment and Further Education I was very pleased to be involved in the rationalisation of employment and training schemes between the State and Federal Governments and local government. In fact, I think the model was the Northern Areas Development Board, which was then a combination of the Elizabeth, Salisbury and (the then) Munno Para councils. That involved administration at a local level, because local employers were involved and in a sense it was closer to the ground than State or Federal Governments. It was a rationalisation process of giving Federal and State responsibilities as well as funding to local government in that area to administer. In many ways that was a national model for what could be achieved, albeit in a particularly discrete area. One of the cries from local government at the time was that they wanted three year funding rather than one year funding on a number of devolved projects so they did not have to spend all their time going through submissions and resubmissions.

Certainly, it is the area of training and entry level employment programs that Labor would seek to advance in partnership with local government. In the last election campaign Labor announced a very strong partnership with local government through such policies as our First Start program, which would involve direct subsidies from the State Government to take on 2 000 young employees per year through direct subsidies through local government and small business. I am pleased to see that in this Bill there has been no attempt to reintroduce that job-destroying policy inimical to any sense of service to the community called compulsory competitive tendering. Well might it not be there, because not only would Labor oppose it vigorously but also this State Government's record on open competitive tendering (just think of United Water, Motorola, EDS or any of the others) means that this Government has no moral authority to preach to any other level of Government about the process.

So it is also with freedom of information and open disclosure provisions for local government. This Olsen Government has no moral authority to lecture anyone about openness and accountability in Government. Its record is appalling. There is a very important distinction to be made between the need for accountability, which Labor supports, and leaving the commercial interests of local government exposed to various kinds of vexatious litigation. When this Government cries 'commercial in-confidence' when it tries to hide the truth, it has no right to apply a different set of standards to local government.

There are aspects of this Bill about which I am concerned. I am concerned about the possibility of provisions related to boundary changes being used by active and already privileged constituents to jettison areas with fewer services and resources and more unemployment rather than producing boundaries and local government authorities that balance diversity with communities of interest. Similarly, I am concerned about the equity and fairness implications of section 154 of the Bill. Under the current legislation, rating is explicitly based on property value. It is a progressive system that attempts to ensure that those with more would pay more. This Bill introduces the possibility of a fixed charge that could see people on low and fixed incomes pay more in rates and those on higher valued properties, with a higher capacity to pay, actually paying less. I certainly look forward to the debate on these and other issues over the coming weeks.

We will certainly be raising a number of other issues. I see there are provisions for members of Australian Parliaments to be disqualified from being a member of any council. There has been some history of members of this Parliament holding concurrent positions in local government, and often it is at their time of entry into State Government. I understand that, for instance, Terry Hemmings was the Mayor of Elizabeth at the time he came into Parliament, and maintained that role until the next local council election. I understand that Martyn Evans was Mayor of Elizabeth at the time of the 1984 by-election for Peter Duncan's seat and then maintained his position as Mayor of Elizabeth for some time. I understand that the member for Schubert was also a member of this House and a member of his own council. I think the Premier had already resigned as Mayor of Kadina before he became a member of Parliament, but certainly Bruce Eastick was the Mayor of Gawler, as he is today, at the time he entered Parliament.

However, it makes sense to provide for this disqualification. It seems to me that there are inherent problems, particularly in the funding of State Governments and conflict of interest provisions and so on if a member of Parliament is also currently a sitting councillor. It would be iniquitous to have a member of State Parliament who was also a member of the Federal Government and *vice versa*, and it seems to me that this is a sensible reform.

A number of other issues have come up. I see that there is a provision for a special election for the whole of the council if more than half the council resigns because of discontent. I understand that the LGA is opposed to this provision, and I would certainly like to hear the Minister's explanation about this. One thing that concerns me greatly is that under the current Act a council meeting must be held after 5 p.m. unless the council unanimously agrees otherwise. That was put in because people were concerned that if by majority rather than unanimously councils said, 'Okay; all our council meetings will be held at 11 o'clock on a Monday morning' this would mean that working class people, people who are employees, would simply be unable to attend and participate in council meetings.

Certainly, that was the case for many years in South Australia. It was deliberately designed to allow, for instance, the Adelaide City Council over the years to act like the club for the establishment, to be the sort of local government branch of the Adelaide Club. So, provisions were made to ensure that working class people could be elected to Parliament and it was not just the preserve of the privileged and professional classes or idle rich.

It concerns me greatly that the current Bill seeks to remove this protection. I understand from a discussion with the Minister that this is about trying to assist people in rural areas but, in doing so, in terms of assisting councillors who cannot attend in the evening if they are farmers and so on, I think you could be throwing the baby out with the bathwater. I think this is a very serious act against working class people being members of Parliament.

The Hon. M.K. Brindal interjecting:

The Hon. M.D. RANN: I know, and some commonsense can prevail in this area. There are a number of other issues concerning the openness of councils. Certainly, Part 3 and Part 4 deal with public access to meetings and documents, and little seems to have been done to improve the openness of councils. Provisions in the Act specifically refer to the power of the Ombudsman to investigate cases where a council is accused of overusing; confidentiality would be removed; and the Ombudsman would probably still have power to investigate, but nothing in the legislation would alert a person to that fact.

We have to try to make all our levels of Government—Federal, State and local—much more open and accountable. I have been very concerned in recent years to see what amounts to the blanket refusal of FOI bids by this Government for anything. Certainly, that was the case over polling on water documents. Suddenly, they were supposed to be secret Cabinet issues. Of course, I pursued that matter through the Ombudsman and into the District Court before the Chief Judge, and we only dropped the case at the time I was handed those documents—which saved some money in terms of the court case.

I would like to see the onus on accountability and openness. A lot of people feel frustrated by the secrecy that occurs with their local councils. I am certainly pleased to see that there is some move towards common land and an appreciation of open space and parklands, and we look forward to dealing with this legislation in more detail through amendments in another place.

The Hon. G.A. INGERSON (Bragg): It is with privilege that I stand to debate this Bill. I am quite staggered, as I am often in this place, about the moral fortitude, openness and accountability which the Leader of the Opposition wants to portray in this place. He seems to forget the history of Roxby Downs and the 'mirage in the desert', and how that was painted out as one of the false statements that was run out by him when he was then involved in Government. He tends to forget about the position we had with the State Bank. Openness and accountability, and all the things that are now so important for the Opposition, were the fundamental issues that were missing, and it is the hypocrisy of this place. I am fascinated when I listen to the debates of how the world changes when you want to rewrite history.

Mr Koutsantonis interjecting:

The Hon. G.A. INGERSON: You are not in your place: go over there and have something to say. I want to put on record the excellent work that has been done by the Minister. I had the privilege of working with him when this Bill started to be drafted and the end point of the Bill has been excellent. I think the consultation process with Opposition members and with councils has been excellent, and I hope when drafting Bills in future he takes up that advice and continues to use an extensive consultation process. At the end of the day, this Parliament is left with debating only very minor changes at the edge—and that is how it ought to be.

It is good to see that the Opposition, in essence, is supporting the majority of this Bill. Obviously, there will be areas that need to be changed but, fundamentally, because of the consultation and its involvement in some of the areas, it has given us a much better Bill. I noted with interest what the member for Kaurna said in relation to parklands. Whilst I think that we have some of the most fantastic parklands in this country, it would do us a world of good to see what has happened in Melbourne. They have not only developed their parklands for community use with significant infrastructure but they have also maintained or attempted to maintain the general parkland nature with which the new infrastructure is built.

It would be an absolute tragedy, in my view, if we ended up with a parkland policy which was purely and simply openness and which did not involve the use of the parklands by the people of Adelaide and by the people—

Mr Conlon: For once, I agree with you.

The Hon. G.A. INGERSON: Hopefully, in the future all the community will be involved. We should be developing it from a user point of view, but still maintaining, clearly, the general overall substance of our parklands. I think that this absolute view of saying that nothing should happen in the parklands is wrong.

If members look back, I suppose in my time as Minister one of the glaring examples of how we could have and should have developed the parklands was in relation to netball. We shifted that whole process from that excellent environment purely and simply on the grounds that the city council, in those days, was not prepared to look at a development proposal on that existing site. I think that was wrong. I said it at the time and it has cost an inordinate amount of money to shift it. The reality is that we now have an excellent venue, but it could have been in the old environment and we could have ended up with a much better outcome.

My council has asked me to put on the public record some issues as far as it is concerned. It welcomes the long overdue drafting and rewriting of this Local Government Act. It acknowledges that many significant changes have been made by the Minister. While generally supporting the legislation, it is concerned about the time frame that local government has, to go through such a big Bill and to make the significant changes. It is a major issue about which all Governments need to be aware when bringing in such major change. There has been very good consultation, but the time frame and the ability for part-time individuals in local government to go through these Bills is very difficult. I think that is an issue that everyone is aware of, but it is a point which needs to be put on record.

There are specific changes to the Act which the council is pleased about, including recognition of local government's right and duty to represent the particular interests of its local community; the less prescriptive provisions of strategic corporate and business planning requirements; the elimination of the proposed requirement that casual vacancies in council be filled by the next most successful candidate from previous elections; the recognition of the benefits of postal voting; and better recognition of the need for consistency in managing community land. In particular, the council is of the view that these provisions should be extended to all community land, as much of the concern associated with disposal of surplus public land in recent years has been in relation to land under the control of State and Federal Governments. That is a very significant issue which is prevalent in the Burnside Council, in my electorate.

One of the areas that has not been picked up by council, which I think is a major issue—and the member for Norwood would be cognisant of this issue—is that in some council areas there are small parcels of land that have been put into councils for odd reasons. They have been there for a long period of time, and Marryatville is one such example. The decision made at the time was probably right but, in reality, the community today would like that to be changed and included in the Burnside Council area. The reality is that there are many such small parcels that ought to be remedied and this Bill should enable that to occur much more easily.

One major area of exclusion about which my council is concerned relates to statutory drainage easements. Members will be aware that this issue was raised by the Minister in his second reading explanation and that the Local Government Association has an excellent submission on this topic. The proposed amendments do not address the question of statutory easements of stormwater and septic tank effluent disposal—a major and longstanding issue for councils. The City of Burnside is concerned that older established councils, such as Burnside, and many communities serviced by septic tank effluent disposal drainage schemes, such as Tea Tree Gully, will be unfairly disadvantaged by the Bill to amend the Local Government Act. The council believes that statutory easements should be created as occurs with other community infrastructure, such as gas and electricity. Statutory recognition should apply only to existing infrastructure.

Legal recognition would provide improved information and certainty for land owners, potential purchasers, developers and councils. Stormwater drains in older suburbs were often constructed by the property owner but sometimes by council at the owner's request. Typically, these drains served to protect six to eight allotments or properties in a single small street.

The Hon. M.K. Brindal interjecting:

The Hon. G.A. INGERSON: I will get to that in a minute. The drains are not protected by easements and technically have no right to exist on the land. Property owners can require council to remove these drains or initiate compulsory acquisition procedures. Burnside Council has spent in excess of $200 000 locating and surveying 310 properties where drains are not protected by easements. The cost of securing an easement over a property is about $1 500, so it would cost an additional $450 000 to undertake this in Burnside if no compensation were payable. Compensation, legal costs and valuer fees would amount to millions of dollars.

This money could be better spent on community services or upgrading infrastructure. A similar problem exists with septic tank effluent disposal (STED) schemes. In Tea Tree Gully, for example, 3 000 properties are affected. In the mid-1990s, the Burnside Council wrote to about 100 property owners to secure an easement offering no compensation but with council agreeing to meet all costs. Only 12 per cent of

property owners accepted this offer. As the Minister rightly pointed out, one of the major reasons is that many of the drains went straight underneath the houses. In many instances, whilst it was known that the drain went under the house, it was not clear what part of the house it went under and the cost of correcting it is quite significant.

Burnside has received support for its views from catchment boards, as well as peak development, industry and planning bodies. Burnside has suggested to the Minister that there be a provision for two years to locate and survey all drains, maintain a register and provide this information in Section 7 Statements under the Land and Business Agent Act and to the public. I ask that the Minister look at this major issue as part of this Bill to at least give council the opportunity to sort out what is a fairly difficult issue, particularly in the older areas. It is a less common problem in the new areas; fundamentally it occurs in the older areas of Burnside, Norwood and St Peters: a range of those suburbs have very similar issues.

My council has clearly supported the change, recognised that a lot of good work has been done by the Government in making this change, but has pointed out one very significant issue which we would hope the Minister would look at favourably and fairly quickly, if not in this legislation then in amending legislation.

The Hon. M.K. Brindal interjecting:

Mr CLARKE (Ross Smith): The Minister would not have been noticed. Like many speakers before me, I describe this as minimalist legislation and, in one sense, I guess the current Minister for Local Government wants to avoid the pitfalls that have befallen many of his predecessors of local government. It has been sort of traditional that, whenever Ministers of Local Government have interfered too much with local government, it has usually cost them their ministry. One has to look only at the member for Morphett, the present Speaker, who lost his ministry of local government in December 1996, and his successor, the then member for Wright, who was Minister for Local Government for a couple of years and who ended up losing his seat after trying to carry out a number of so-called reforms and compulsory amalgamations, as it was then seen, of local government.

I can understand the hesitancy of this current Minister in not wanting to follow in the footsteps of his immediate predecessors, knowing what political fate befell them when they involved themselves in too much controversy. Unfortunately, Minister, from time to time, you need to do that if, indeed, you want to make a mark in your ministry and not just appear as a footnote in terms of this place. I was interested in the issue of amalgamations and local government boundary reforms. I know that some very strong views are held on that issue on all sides. There are those, for example, not just in this Parliament but in our Federal Parliament, such as Senator Schacht, who believe that there ought to be only three councils in the entire State: a larger metropolitan council, plus one in the south and one in the north. Senator Schacht believes in basically three large councils for the whole of the State.

Others believe in more parish-type councils. I will ignore the member for Norwood for the moment who is putting up her hand on that issue, and some others. However, I do object to this Government's failure to tackle councils, such as the Walkerville Council. The Walkerville Council is absolutely, resolutely opposed to amalgamating with anyone, other than—

Mr Conlon interjecting:

Mr CLARKE: They want to take North Adelaide over. It is opposed to amalgamating with anybody other than somebody that it sees as being within its own class and where its ratepayers would not have to pay increased rates. I have had many a friendly discussion with the Mayor of Walkerville, and she has told me in no uncertain terms what she thinks about amalgamating with anybody, including the Prospect Council, which is in my electorate, except that better class of Prospect, which takes in Thorngate and Fitzroy and with which Walkerville has so much community of interest.

The more northern areas of Prospect, which are in my electorate, will be in the member for Adelaide's electorate after the next election, and I will be very interested to see what the member for Adelaide has to say on this subject of council amalgamation, because last year he sent one letter to the residents of Walkerville saying how much he opposed compulsory amalgamation or any amalgamation between Walkerville and Prospect, yet he sent another letter to the ratepayers of Prospect saying how much he endorsed the idea of amalgamations and how Prospect Council should not be left out like a shag on the proverbial rock. It will be interesting to see how he reconciles those contending points of view, given the much more marginal nature of his seat under the new boundaries.

There is something I want to say about the people of Walkerville, and I declare an interest here in that my parents are ratepayers and have a house in Walkerville, and I was raised in Walkerville. That has given me a particular insight into that council. Walkerville ratepayers do not want to pay any more in rates because they do not need it. They have a small council area, they have been going since 1800 or whatever, all their services are paid for and they do not need anything else, thank you very much. Unfortunately, that is a very selfish outlook.

The cost of providing many of the services that are needed in outer lying, newly developed suburbs is falling very hard on the ratepayers of Salisbury, for example, who pay very high council rates in comparison with the average income earned in that area. That is in contrast to the rates paid in the Corporation of Walkerville as a percentage of the income earned by those ratepayers. It is grossly distorted. It is only appropriate that the cost of assisting these developing council areas to provide much-needed services should be borne by all citizens, and that includes the residents of the Corporation of Walkerville.

I might add that I am at odds on that point with my father, who is passionate about the independence of Walkerville. I happen to think that he is wrong, as is, I believe, the Mayor of Walkerville and that council. I long for the day when Walkerville is incorporated into a City of Port Adelaide Enfield, together with the Prospect Council.

The Hon. M.K. Brindal interjecting:

Mr CLARKE: My mother will follow my father's advice, I suspect, rather than her son's. The Prospect Council has also been very good and it wanted to stay on its own. Under the pressure of local government boundary reform, it looked like going in with Walkerville, except that Walkerville pulled the plug on it. Whilst I have a lot of sympathy for these councils, the problem is that they do not have the economic base on which to do a lot in terms of providing greater services within their local areas. The City of Port Adelaide Enfield, despite having some problems settling down and despite some

feelings of resentment about the amalgamation among some of the older residents in Enfield, particularly those in the eastern part of Enfield because of their geographical distance from the capital of Port Adelaide Enfield, that is, the city of Port Adelaide itself, has a genuine community of interest. Because of amalgamation and the cost savings that the council has made, it has been able to introduce improved services to the residents and ratepayers of that city.

The Hon. M.K. Brindal: It has an excellent Mayor.

Mr CLARKE: Yes, and I am glad that the Minister acknowledges the very good work of the current Mayor of Port Adelaide Enfield, Johanna McLuskey, who is a very good Mayor. The member for Gordon made a throwaway reference to the City of Mount Gambier and the District Council of Grant having to find $800 000 in aged care funding because that money has been withdrawn by State and Federal Governments over the years. There has been much talk by some of the detractors of this Bill that it does not delineate the functions between State Government and local government, and I accept that as a valid criticism, but we also need to address the issue of funding.

Where are local authorities to get the necessary funds to carry out the functions that the State Government wants them to do? A succession of Commonwealth and State Governments have divested themselves of their responsibilities as part of their budget cuts. They have said to local government, 'You pick up the tab; you pick up the responsibilities.' Those councils have had to increase rates or cut other services to meet those funding shortfalls. There is no way possible that the District Council of Grant or the City of Mount Gambier could abandon aged care, and say, 'We are not going to pick up the responsibilities of the Commonwealth and State Governments and we will not provide that $800 000', and that would seriously disadvantage the aged and the infirm of our community.

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

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RACING (DEDUCTION FROM TOTALIZATOR BETS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (LOCAL GOVERNMENT AND FIRE PREVENTION) BILL

Returned from the Legislative Council without amendment.

PARLIAMENTARY SUPERANNUATION (ESTABLISHMENT OF FUND) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr CLARKE (Ross Smith): I had hoped to conclude my remarks prior to the dinner adjournment, but so many of my colleagues implored me to continue speaking that I felt I could not resist their entreaties and, hence, I will continue. I concluded just prior to the dinner break on the issue of the abandonment of services by State and Federal Governments in a whole range of areas, leaving it to councils to pick up the cost. I will not say any more about that other than to say that if (as a number of members have urged this House to do) we are to explore more fully the functions, or delineate the functional powers, that local government is to have *vis-a-vis* State Governments, we also have to turn our mind to the funding issues. We just cannot keep expecting local government to pick up those areas of responsibility that have been left by State and Federal Governments, because local government's taxation powers are regressive in nature, as we all know, and will fall more unfairly on those who are least able to afford to supply the revenue necessary to maintain these essential services that have been abandoned by successive State and Federal Governments.

Another aspect of this Bill in which I am interested is the issue of contracts and tenders and the provisions within the Bill that local government has to go through this pantomime of saying that it has to examine the issue and determine a policy on, effectively, competitive tendering in local government. That is an issue which local government is able to address any day of any week in any year, and it has been able to do that since time immemorial—or since local government has been established in this State. It does not need a Minister of this Government or any other Government to bring in a Bill that says this is something that they must consider: it is an issue which they are free to consider at any time.

The Hon. M.K. Brindal: Well, why haven't they?

Mr CLARKE: The Minister says, 'Why haven't they?' There are some very good reasons, and if the Minister would listen to local government and particularly the regional areas, he might understand. But I understand where he is coming from: he listens to no-one, effectively, on these key issues. Many councils in rural and regional areas do not want to submit their work force to competitive tendering or outsourcing of their work because, first, many of their own direct employees live within their council boundaries, have their families living within those council boundaries, and participate in the affairs of that council and the local community—whether it be the school, sporting clubs or whatever. They fear, quite rightly, rushing blindly into this process, which this Government has done, for example, in the case of the Department of Road Transport. This has seen the outsourcing of a lot of work to outside contractors. Many of the workers involved with respect to those outside contractors live in Adelaide, do a two week stint up in the bush, in terms of road maintenance and the like, then come back to Adelaide and spend their wages not in the local community where they did the work but back in Adelaide, or wherever they live.

I was talking only a couple of years ago to the Mayor of Berri (now the Berri Barmera District Council), and he raised that very issue. The Renmark council had contracted out something like 50 per cent of its work force to outside contractors and it lost the benefit of people working for the council, living in the local community and spending their wages in the local community.

The Hon. M.K. Brindal: And that is why this Bill takes a different approach: quite right.

Mr CLARKE: As the Minister says, it is not compulsory that they must tender out, outsource or undertake competitive tendering as we know in Victoria but, nonetheless, it unnecessarily interferes with the running of councils, because councils do it now on a needs basis and as they see fit. The Minister is being unduly provocative and is trying to steer local government towards one particular direction in this area because of blind ideology. We know that the Minister for Local Government is one of the driest economic rationalists in this very dry economic Government that we have here in South Australia. The Minister for Local Government would have to be one of the hardest, driest economic rationalists that any conservative State Government could produce, and he is trying to inveigle local government through this Bill to go in his direction rather than the way local government would prefer to deal with this whole issue.

The other point I want to cover in the short few minutes that I have remaining is the area of compulsory voting. The member for Kaurna partly touched on this issue in the sense of trying to give perhaps fewer councillors more authority and to give them a proper allowance so that they can discharge their duties, rather than the system that we have now where councils are full of volunteers—and it is wonderful that they volunteer their time. But, at the same time, we have to try to encourage people from all walks of life to volunteer for service on local government, and they need to be properly recompensed.

At the same time, we also need to introduce compulsory voting in local government elections. Local government is a very important component of government. It is trite to say it but, nonetheless, it is true: it is that arm of government which is the closest to the average rank and file member of the community. It is important that those councillors who are elected reflect the community as a whole, not just the 10, 12, 15, 20, 25 per cent of voters who bother to go and vote. We are dealing with local government now, such as the City of Port Adelaide Enfield, which has a budget of well in excess of $100 million a year and employs over 450 people. It is very important that all citizens take an active role in deciding their form of local governance. I believe that compulsory voting, or compulsory attendance to vote, is essential to ensure that local government reflects the community's needs and the widespread diversity of views that exist—not just those few people who believe that they can put themselves forward because they might have retired, or they are a business person who believes that there might be some financial advantage to them or to their company and who offer to be on local government—

The Hon. R.G. Kerin: For their community

Mr CLARKE: Or for their community. There are many people who do that: I do not argue that. What I am simply saying is that it is far better to have 100 per cent of those eligible to vote voting for their council representatives than there to be 25, 30, 35 per cent voter turn out where the winner of the day only has to worry about catering to the needs of 18 per cent of the voting population such as exists in the United States.

I know the Liberal Party fears that this will introduce Party-political interference in terms of local government elections. Let us be quite frank about it: the Liberal Party has interfered in local government elections since time immemorial. People could not get elected to the Adelaide City Council unless they had a ticket in the old LCL. It was the LCL (the old Liberal and Country League) that worked out who was to be the Lord Mayor of Adelaide and the Liberal Party through its affiliations, particularly in regional areas, ensures that the councils overwhelmingly have members who, if not members of the Liberal Party, are strong sympathisers of the Liberal Party running local government. That is a fact of life. That is true in a whole range of other areas which might ordinarily have perhaps voted Labor. Liberal persons have been able to get themselves elected to council simply because of the lack of compulsory voting.

Mr LEWIS (Hammond): The remarks which I make tonight about this Bill are not intended by me to be an exhaustive examination of the material contained in its pages. After all, it is the most substantial piece of legislation, in terms of the amount of information it contains and the law that it makes, as there has ever been since I was elected in 1979. There are over 260 pages in the Bill. It completely rewrites the Local Government Act. There are some notable aspects of the legislation in which I think the community will be interested. I am not sure that all members of councils throughout South Australia have read the legislation and understand its implications. Certainly, I put on record here and now that, in spite of my invitation to all local government bodies wholly or partly within my electorate to contact me about aspects of the legislation, at this point I have received no submissions whatever about any one of the enormous number of clauses in it altogether. I have had informal comments, but nothing formal from any local government body or district council.

In truth, I really do not have any cities in my district, even though I am proud of the fact that the local government area in which I live and have my electorate office is known as the 'Rural City of Murray Bridge'. That is its prerogative: it has chosen itself to be so named. Altogether, there are 303 clauses in this legislation and they cover everything including how local government can or cannot be involved in minerals; what local government can do with respect to streams running through its area; advertising of matters in which it is involved; the way in which it will involve itself in commercial undertakings, and whether or not that is advisable; and so on. I mention that last matter because that is where I want to start.

I think it is an excellent idea that local governments may choose to cooperate with each other in order to obtain the most cost effective way of delivering services to ratepayers. The ILAC model advanced by one Matthew Goode from St Peters I thought was very commendable, in that it enabled councils to form a body corporate with one another in order to perform those tasks or to secure contractors for their larger area to perform those tasks which the citizens—not just the ratepayers—were entitled to expect their council to provide or perform for them in the opinion of the council. However, in the past, that has been taken to mean that council can engage in other businesses such as even running a poultry farm, a flower farm, a fish farm or, for that matter, a foundry, or any other kind of enterprise in which a citizen could

engage and, as contemplated in the legislation before us, I find that still a bit astounding. I believe that such commercial enterprises ought to be banned straight out. A council has no place in doing that.

It certainly may choose to facilitate it even to the point where it provides start up grant support perhaps and, if any council were to so facilitate the establishment of an enterprise within its boundaries, I would suggest that it would be imprudent for it to provide grant funds to establish such an enterprise unless that same enterprise was also receiving some funds from the State Government Department of Industry and Trade, start-up grant program, which is already in place and has been for many years. The State Government through that department and its predecessors has provided such grants and other forms of assistance to businesses to get going and I have applauded that.

The other important aspect of such grants is that the Economic and Finance Committee has a subcommittee which looks at such proposals for the establishment of enterprises and allows them to be undertaken by authorising the expenditure. That subcommittee of the Economic and Finance Committee is responsible to the Parliament to do that work on behalf of the Parliament in confidence so that it never discloses the information about each of the applications it has received to the Parliament or to the public, but satisfies itself that the new enterprise does not have a bankable proposition, but nonetheless is viable and will only need some grant assistance to do it.

That brings me to the point then that I believe councils could be the proponents of such proposals and, to my mind, that would be a sensible and worthy purpose for councils to be engaged in. It is absolutely dopey, on the other hand—quite inane, economic inanity at its worst—for councils to get involved in businesses such as keeping bees, growing flowers, making wheels or any other kind of business on a daily basis where it employs the people and it sets about producing the goods and selling the goods to the marketplace. That is not what local government is for; it never has been. Where local governments seek to put ratepayers' funds at risk by engaging in such enterprises they deserve condemnation. I will leave that matter now and turn to another aspect of such undertakings. If local government in the course of providing sound, safe roads, as required by the Act, gets involved in quarrying stone, levelling and shaping land on the roadway and constructing thoroughfares for pedestrians, cyclists and motor vehicles, that is quite proper.

Equally, I can accept that, where no other contractor is available to the local population, they would do work for local residents. In many rural communities, had it not been for the availability of the council owned earthmoving equipment—road making equipment at that—farmers and others living in areas outside the towns would never have been able to meet the cost of a road or even get one constructed from the public road through their gate to their premises, whether that be their home and/or their sheds. That would not have been possible. People living in rural areas regarded councils to that extent pretty much as a cooperative to which they belonged, to which they all contributed and which would then quite sensibly be able to provide them with individual services on a cost recovery basis.

Nowadays, however, we have moved on from that and any council that remains involved in retaining an earthworks capacity for road construction purposes and building sites and so on needs to constantly examine whether it is getting value for money by investing that money in all the equipment and hiring the people to operate it in return for the cost, so calculated, of the earthworks which it does throughout the year. It needs to keep close watch on that. If in this day and age of using computers it were to make a comparison between the cost of its works done in-house and the cost of its works that could be obtained by using contractors, in very many instances—a majority of them—I am sure it would find it would be better off to use private contractors competing with each other in the submission of prices to get the work done, in what all of us know as a process of tendering.

So, councils who still have the notion of doing that kind of thing in-house, using day labour and owning the equipment to do it, must re-examine that and recognise that firms can accept the risk and responsibility of caring for the work force needed perhaps more sensibly than delegated authority from ratepayers. I do not see any need to dwell further on that matter. I am not saying that councils ought not to own any equipment whatever. That is an option and one that they ought to examine constantly, but if they do own equipment it ought only to do that kind of work in emergencies which would otherwise not be possible for them to procure.

Other areas for which councils have been traditionally responsible are no longer part of this legislation, because they have been hived off onto boards which look after things like pests, whether they are plants or animals. We now have a wider array of boards to which local government itself elects representatives, and those boards are bodies corporate which can sue or be sued. They have the specialist roles of controlling rabbits and other vermin, including rodents, as well as plants that are dangerous and of detrimental economic consequence to the population at large.

I mention this because at present I see too many councils, particularly those on the metropolitan fringe, ignoring their responsibilities in law to look after those matters. Too often you can find noxious weeds, as they used to be known—pest plants as they are today—such as apple of sodom, deadly nightshade, angel's trumpet and the like, growing where they are a very real hazard, because there will always be some fool prepared to try to eat the fruits or other parts of those plants to get a high. More particularly, those plants become the seed stock breeding ground for reproduction of the population to spread into agricultural areas and decrease the productivity of the agricultural land, increase the cost of production from it and thereby contribute to the destruction of the viability of the farming operations which would otherwise be enhanced, had those weeds been controlled.

The vermin about which I have spoken and which need to be controlled are still there as an essential part of the work that has to be undertaken by those boards that have the responsibility in law. I mention them, because amongst them is now the responsibility to look after noxious insects such as the European wasp. I commend the Minister on the work he has done in that regard. However, I would ask him to look at the other species that are damned nuisances, whether they are plants or animals, and remind local government and the boards to which authority has now been delegated that they have a job to do and must see that it is done.

Local government has a job to make sure that the boards to which they elect members control the ruddy rabbits in the city of Hindmarsh, Henley and Grange and Woodville, now called the city of Charles Sturt. It is not good enough to say that they are not an agricultural council any more; it is not proper for them to get romantic notions that the rabbits to be found in the sand-dunes are not a bad thing. They are a terrible bloody thing and need to be not just controlled but

eradicated. There is no reason for the populations to remain there.

The Hon. M.K. Brindal interjecting:

Mr LEWIS: If it were lawful for me to shoot them, I would; and I would bring you one, Minister, so that you could enjoy it for dinner. I can say that they are not bad. My brother's dogs catch them regularly. It is about time that councils ensured that the boards in their localities to which they elect people did their job.

Equally, whilst the Minister for Primary Industries, Natural Resources and Regional Development has overriding legislative responsibility for much of that, there is still a grey area. Councils elect delegates to go onto those boards and the Minister has overriding legislative responsibility. Who indeed has the ultimate authority to ensure that the boards are doing their jobs is therefore not clear. I believe that the members of the boards have a duty and that the councils who appoint those members to the boards ought to be able to complain to them. That is not mentioned in this legislation. Perhaps that is a deficiency—not a serious one but one which still warrants comment, in my judgment.

In the few minutes that are left to me I now want to turn to the provisions for elections, that is, the way in which we construct the council. I am pleased that Part 3 is here under general provisions about wards and how they ought to be drawn and designed, because in my electorate some councils have drawn wards and indeed still have wards which are quite stupid—let me say that again: utterly silly—in that the ward structure takes a small slice out of the principal town in the electorate. Let us look at Murray Bridge, for instance. The wards are dominated by a small slice of the central town and a boomerang shape that goes down the centre line of the Murray River for about 30 kilometres and takes in all the Murray dairy swamps along Jervois. It is no more than a few hundred metres wide, but 30 kilometres long.

That is against the spirit of these provisions and ought to be stopped. It is the kind of silliness for which the Labor Party and the late Don Dunstan made great criticism—fairly or otherwise—of the LCL in Government under Sir Thomas Playford at that time for what the Labor Party considered were bad boundaries and gerrymandering as a result of it. I do not agree that that was a legitimate conclusion of the Labor Party and the late Donald Dunstan to come to in their observations.

Mr Hanna interjecting:

Mr LEWIS: No, he was never correct. Statistically, he was wrong and there was no attempt geographically to concoct electorates into forms which made them anything like the kind of mess that there is in Queensland or like what I was alluding to.

Mr Hanna interjecting:

Mr LEWIS: The honourable member will have his shot in a minute. I also believe that under the provisions of confidentiality, no council ought to be able to go into confidential session to discuss the expenditure of funds collected from its ratepayers in a way which means that the public cannot and do not know what is going on. The way in which the Murray Bridge Council is carrying on at the present time leaves not just a bit to be desired: it is quite unprincipled in the way in which it is behaving.

The Hon. M.K. Brindal interjecting:

Mr LEWIS: They jolly well are. At the present time it is excluding some members from any information about the decisions it makes that cost an enormous amount of money. Those councillors responsible know who I am talking about—and I hope they read these remarks. They should hang their heads in shame because I know the electors will cut their throats at the next election. They have been quite unprincipled.

Mr Hanna interjecting:

Mr LEWIS: And the honourable member would agree with me if he knew the detail of the circumstances to which I am referring, I am sure; but silly decisions which are quite unprincipled are being made.

Mr VENNING (Schubert): I speak in favour of this Bill. I understand the Bill establishes a cohesive and modern framework within which local government can work and which is easy to understand and implement.

Mr Conlon interjecting:

Mr VENNING: I heard the previous speech by the member for Ross Smith, and most members appreciate how flexible this Bill is. The Local Government Act through many years of evolution has become extremely complex and very difficult to interpret and to apply correctly. I started my political career in local government some 10 years before I came here. In fact, as the Leader said earlier—

Mr Conlon interjecting:

Mr VENNING: I know that—and as long as you appreciate it. As the Leader said earlier, I was one of those with a dual role for some time. I stayed here until the next local government election and then I went out. Having served 10 years in local government, I believe it was good training, particularly for a country member with a wide sphere of interest. Certainly, it helped me gain preselection for my position here.

I am very pleased that the Bill retains voluntary status. When I went into local government it was a big issue, and I always believe that if the issues are strong enough and the combatants are keen enough the people will vote. When I entered local government I won with a 96 per cent roll up. That does not happen too often. And, if one of the constituents had not died a couple of nights before the election, it would have been a much better result. I look upon these years with great fondness because it gave a young fellow—a young Turk, some would say—the experience of negotiating for the community.

I think the member for Elder mentioned open competitive tendering, which is a difficult issue. The District Council of Clare was the first council to adopt these principles in my electorate. In hindsight, the results it achieved were most impressive without causing much harm. At that time Bob Phillips was Mayor. When council undertook some of these new ideas, certainly the community was alarmed.

A grader driver who was working for the council said to me, 'I am most concerned. They have told me my position will be redundant in council. I don't know what my future will hold. They want me to buy the grader and I cannot afford it.' History shows that the man did leave council; that he did borrow the money to buy the grader. I believe that the operator now owns more than one grader and that he has done very well. He grades roads all over the Mid North.

I know that the Clare Council sold all its tiptrucks and took on the locals by tender, and I believe the whole community was better off. Trucks and bulldozers are very expensive things to have lying around. They can be either shared or taken from the private sector. Whereas open competitive tendering has a certain ring of alarm to some members, I believe it should always be an option for local government to consider.

Mr Conlon: That is exactly what I said. It should not be compulsory: it should be an option to consider.

Mr VENNING: Absolutely right. Councils should have flexibility to make that decision because it is not always right.

Mr Conlon interjecting:

The SPEAKER: Order! The member for Schubert has the floor.

Mr VENNING: I believe that Government can often do it better than private enterprise, but let the authority make that decision. Certainly, I believe this is minimalist legislation. I believe it could be a lot more rigorous than it is. I have been involved with this legislation through three Ministers, and I firmly believe that we have come up with a document that is pretty close. It is impossible to try to please all local government. I congratulate our current Minister because he has it together—and I will again refer to him a little later.

Regulations relating to health, roads and transport are in the present Act, whereas under the new legislation these matters will be placed into more appropriate legislation. This Bill will look after local government issues wholly and solely—and to me it makes sense. I know you cannot please everyone all the time, but I trust the Local Government Association will accept this legislation—and I believe it will. This Liberal Government has worked tirelessly over several years to get it right.

The current legislation dates back to 1934. Several Governments attempted to change this; several got part-way down the track and gave up. We are well overdue for an overhaul. I pay the highest tribute to the several Ministers involved, particularly the current Minister, Mark Brindal. He has worked very hard. His consultation process has been magnificent without being over the top. It is the best consultation I have experienced since I have been in this place. He has met with the Local Government Association often; he has met with the councils; the Mayors, Chairmen and CEOs have been invited to this place to tell the Minister exactly how they feel about the Bill. They have done that. No stone has been left unturned by this Minister to get their point of view. If he did not agree with them he told them upfront, 'I am sorry. I do not think I can deliver that, but I will take it on board and come back to you.' The consideration that the Minister has given members of Parliament and councillors has been outstanding. The Minister deserves reward for having this legislation passed.

A comprehensive review process of the 1934 Act has been undertaken and has had several main focuses. The objective of the review is to make the new legislation easier to apply and to use. I understand that this is reflected in themes in the policy direction for each Bill and Chapter. I am particularly interested in Chapter 3 which covers processes under which changes can be made to councils' external structures, that is, dealing with proposals for the creation, amalgamation, abolition and changes to boundaries of councils. These controversial issues have been with us for a long time.

These are defined in the Bill as 'structural reform proposals'. Councils need to amend their boundaries, particularly in view of the recent local government amalgamations. The amalgamation process has been generally successful, but common boundaries between councils need to be amended. I know constituents of mine tell me that on the outskirts of Nuriootpa or Tanunda one is still in the town but in another local government area. One only needs to cross the river in Tanunda to be in the District Council of Kapunda Light. Also, the outskirts of Nuriootpa are part of the Kapunda Light Council.

It is a very difficult issue. The residents are very pleased to stay as they are because, generally, they are paying a lower level of rates to the district council. However, they do use all the services of the town within which they live. I think that the people and the council can decide that issue and this Bill assists in that respect.

Changes can be made to a council's internal representative structure, that is, the composition, the type of principal member, wards and ward boundaries. An emotive issue within council is whether we should have wards or ward boundaries. Depending on which political angle one takes, one must do the sums to the advantage of one's constituency and support it. Every council is different. They have their own strategic requirements, and so it is fitting and proper that this flexibility be provided in this legislation.

The third issue relates to changes to a council's name, and that is often an emotive issue. Councils are required to review all aspects of their internal representation structure at least once every six years. That is good, because it makes us look at the situation rather than letting it go on for generations, as has been the case with many councils, particularly with respect to some of our country councils. As I said, point one is of particular interest to me because I believe that we still have a lot of work to do in relation to many council boundaries as they have not been changed in over 80 years. Time has progressed and we must advance ourselves. As I said, several towns in my electorate of Schubert—and Nuriootpa and Eudunda are examples—must put in place some machinery which enables them to bring about change without the emotion that goes with it.

Other examples of the anomaly that exists in relation to the boundary issue are towns such as Greenock, Truro and Marananga—all towns within the Barossa but not part of the Barossa District Council. If country towns and their surrounding areas have similar community interests, they should be under the umbrella of the one council. That will happen, I believe, only with this amalgamation, as well as a fair bit of goodwill on behalf of the councils involved, and particularly the ratepayers. When one council amalgamation process was undertaken a couple of years ago, we should have followed the Anderson report more closely and, by not doing so, we still have continuing problems. Of course, the Anderson family is still well known to many Barossa families. The late Mr Anderson did a fantastic job and we were very sad when he passed away three or four years ago.

That report was very close to the mark. I believe we should have adhered to it more closely because we are now faced with some continuing problems and anomalies. Mallala is one example and the Mid-Murray Council is another. In the Mid North, the District Council of Mallala was omitted from any amalgamation and has had to go it alone. The member for Light, the Hon. Malcolm Buckby, has assisted by holding several meetings with the District Council of Barossa and others in an endeavour to remedy this situation but to no avail. I trust that this new legislation will allow an easier path for amalgamations and boundary changes. I gather that the Minister will say that it does. The legislation—

The Hon. M.K. Brindal interjecting:

Mr VENNING: Thank you. I have appreciated the Minister's assistance and cooperation. The legislation will allow for what will be known as 'public initiated submissions', whereby the public can initiate changes to boundaries as well as vote on the matter. If 60 per cent of the vote is in favour, the process goes to the next step and is assessed by the facilitation panel. I will be very interested to see how the

first of those actually happens, because it is brand new legislation. It will be interesting to see how a community can handle that situation, because there is bound to be a fair amount of emotion, particularly when a little over half the number of voters can initiate that process. I trust and believe that this will streamline the whole process and possibly change the almost intransigent position of the past. We all know that most of our constituencies will resist change just for the sake of it. However, they must realise that it is for the common good and that 60 per cent of the people can make it happen.

I recently accompanied senior officers from a local council to a meeting with Minister Brindal to discuss options for transferring Cadell, a small river town from the Mid-Murray Council, to the Loxton Waikerie Council. I appreciated the Minister's audience. The people of Cadell shop at Waikerie and use the services in that town. However, this issue must be weighed up on its merits and should not be to the detriment of the council which it may leave. A balance must also be put into the equation, and that is the problem with the Mid-Murray Council. It is a very large council. The Anderson report delineated that council differently. It is now left with a large centrepiece, with Cadell in the north and Mannum in the south. It is a large council in which very few ratepayers live but which has high costs. It contains lots of roads and it will always be a continual struggle. Therefore, when areas such as Truro and Cadell have ideas of leaving their council—Truro to join Barossa and Cadell to join Waikerie—certainly we must consider very carefully what would happen. Another anomaly that exists is the issue of the Gomersal Road upgrade. I was speaking to some of my constituents tonight about that—

The Hon. M.K. Brindal interjecting:

Mr VENNING: Is it? The Minister has promised me that, if we pass this Bill, he will fully support the upgrade of the Gomersal Road.

Ms White: Are you making sense?

Mr VENNING: Yes, I am. I believe that projects such as this will certainly see the light of day very shortly. I have spoken about this serious matter in this House previously and I will speak about it again. The Gomersal Road lies almost completely in the Kapunda Light Council area, which must pay for its ongoing maintenance and so on. However, the road goes directly to Tanunda which, of course, is largely in the District Council of Barossa and used mainly by that community. I believe that the Government should assume control of the road and upgrade it to take the semitrailers and B-doubles off the Barossa Way—which they pummel to death—to provide traffic with a safe and direct route. We must take these trucks out of the Barossa and onto the Sturt Highway.

In exchange for the Government's assuming control of this road, an arrangement should be struck whereby the council takes over responsibility of another Government controlled road. I know that the Minister is well aware of this proposal as I led a delegation to her promoting this very viable option. Minister Laidlaw has requested a full report and I eagerly await the findings. I fully appreciate the tireless efforts of the Minister and the Government to refine and redefine the current Act to make it more user friendly, and, as such, I certainly support the Bill.

The Hon. D.C. WOTTON (Heysen): I want to speak only briefly on the legislation at this stage. I know that there will be a considerable number of questions and much consideration in Committee—hopefully not debate—and, as Chairman of Committees, I am not sure that I am looking forward to that, but we will work through that at the time. I want first to commend the Minister for the way in which he has proceeded through this difficult task in regard to the Local Government Bill. I have been in this place for some 24 years and, during that time, on numerous occasions, mention has been made of the difficulties emanating from the Local Government Act and the need to redraft legislation.

I know that a number of Ministers have indicated in this place their intention to review the legislation. Those Ministers have moved on and the task has not been completed. I commend the current Minister. We could say that some of the work had been completed prior to his taking over the portfolio, but the fact is that he has shown a considerable amount of commitment to his portfolio and particularly to the redrafting of this vitally important legislation. I might say also that the councils in my area (and there are only two: I have a considerable slab of the Adelaide Hills Council and a smaller section of the Onkaparinga Council) have both indicated to me their pleasure at the way in which the Minister is dealing with the local government portfolio and the time he is giving to listening to the concerns of councils, answering their questions and working with them in a number of areas.

Having said all those glowing things about the Minister, I will now say a few other things that have been brought to my attention, particularly by the Adelaide Hills Council. I forwarded these comments to the Minister and they have been forwarded to the Local Government Association. They were forwarded some little time ago, so I am quite certain that some of the concerns that are referred to in this paper have been addressed, and the Minister will have the opportunity when he replies to the second reading stage to indicate whether that is the case.

The first matter that was raised through this paper on behalf of the Adelaide Hills Council was consultation. I have heard others say during the debate that the period of consultation for the legislation has been a little too brief, and that is a point that the Adelaide Hills Council has made. It indicated its disappointment in that, given assurances, according to the council, made by the Minister at the time of the consultation draft. The Adelaide Hills Council has made quite clear that, while it wishes to see a timely resolution to the legislation review, it should not be at the expense of quality consultation.

As I mentioned earlier, I know that matters relating to this legislation have been debated and discussed over a very long time. I also know that, as far as the actual Bill is concerned, councils have been looking at it in detail for well over a month, and that well over 100 propositions that were put by the councils about which they expressed some concern have been addressed by the Minister. While taking on board what the Adelaide Hills Council said about the consultation period, we need to recognise that significant changes have been brought about as a result of the consultation that has taken place.

The redrafting of the Local Government Act provides a significant opportunity to examine and revisit the objectives of local government, and the Adelaide Hills Council has made the point that this is particularly relevant with regard to functional reform and its future within South Australia. It indicated that it believes that the legislation should include at least a provision to facilitate functional reform. As far as the constitution of councils is concerned, it makes the point that the initiative to implement a boundary adjustment

facilitation panel to continue in place of the areas commissioner is preferable. The council believes that the meetings and administrative processes of the panel should be open and transparent in keeping with precedents already created by the Boundary Reform Panel, and I understand from the Minister that that will happen. Such process is essential if the panel is to have credibility amongst the local government community, and we all understand that.

The Adelaide Hills Council agrees that the function of the panel should be to review and not initiate proposals. It is imperative that the review process include extensive consultation with the community, and it makes the point very strongly that that should be outside the initiators of the proposal and the council in question. The Adelaide Hills Council recommends that the process for judicial review of the decisions of the panel should be reviewed and strengthened.

As to the matter of council as a body corporate, the council objects to the proposed provisions relating to sections 199 and 200 authorities, and the council previously addressed these issues in its submission on the consultation draft. It made the point that there is a great deal of difficulty with the proposal requiring councils to consult with the community prior to councils closing a council office. This would have raised several issues. First, what does consultation mean? Secondly, what happens if the community does not agree with the stated resolution of the council? I am pleased that the Minister has seen fit to deal with that issue, because it would have been of particular concern to councils which have undergone more than a two-way amalgamation and which may be seeking to maximise assets, and that is certainly the case with the Adelaide Hills Council.

The council supports the provision requiring council policy to be in place to regulate contracting out, competitive tendering, etc. However, it has indicated that clarification is required of the Minister's ability to make regulations in regard to tendering. As to members of council, the Adelaide Hills Council does not presently have aldermen and has not expressed an opinion regarding the existence of this office. The provision for a general election to be held in the advent of the resignation of the majority of the members of a council requires additional clarification, and I am aware that that is being sought at present.

Regarding meetings, the provisions relating to meetings in the draft Bill are consistent with Adelaide Hills Council current practice. The council has commended the Minister for encouraging committee meetings to be held in a less formal atmosphere and I, too, would strongly support that situation occurring. As far as council staff is concerned, the provision which requires the Chief Executive Officer to consult to a reasonable degree with the council when determining organisation structure is of concern to the council for two reasons: it is difficult to determine what is a reasonable degree and, secondly, the provision is inconsistent, according to the council, with the general direction of the legislation to separate the administrative (responsibility of the Chief Executive Officer) and the policy (responsibility of the council) functions of councils. The performance appraisal system used to evaluate senior executive officers, according to the Adelaide Hills Council, should be the responsibility of the Chief Executive Officer.

In regard to administrative and financial accountability, the Adelaide Hills Council supports the Minister's direction in relation to corporate and strategic planning. However, regarding strategic management plans, there is a feeling as to whether they are area plans, etc. Whilst the council supports the accountability demonstrated by the provision relating to annual statements, the council has made the Minister aware of the additional resources the preparation of such statements will require, and it has made clear that that would be of particular concern to smaller councils with limited resources.

Regarding rates and charges, the provision for a single business enterprise requires further discussion, and I understand that there has been further discussion on that matter. It was felt that that should be further discussed as it may disadvantage rural or part rural councils, in particular. In addition, the provision regarding differential rating could also disadvantage councils which are attempting or about to attempt rate equalisation following amalgamation. We should all recognise that the amalgamation of smaller councils has brought with it particular challenges. It has certainly meant that significant advantages are to be gained by the community, as well. There are still teething problems which need to be addressed and which are being addressed.

While talking about the Adelaide Hills Council, I take this opportunity to commend the council for the way in which it has gone about that amalgamation process. The vast majority of people in the local community support the advancements that have been made and the way that council has gone about it. There are a few who do not understand the magnitude of the problem and they are the ones who have been a little more difficult about this situation.

As far as the matter of land is concerned, the Adelaide Hills Council has objected to the community land provision in previous submissions on the consultation Bill, and the extension of the time frame to complete these is welcomed. The new provision in relation to consultation and management plans is welcomed but, according to the council, requires additional clarification; for example, what is 'specified land'. All these matters are open to some conjecture. The Adelaide Hills Council maintains its objections to the provision for the revocation of community title classifications and the lack of provision for statutory easements and rights of way for STEDS and stormwater drains.

As far as regulatory functions are concerned, the council welcomes the removal of provisions allowing for the expiry of by-laws on 1 January 2000 and welcomes the seven year rule, as I do. Ongoing provisions beyond that point, however, require clarification, and I have heard that matter raised previously by other members in this debate.

In relation to the review of local government Acts, decisions and operations, the Adelaide Hills Council has certainly welcomed the change allowing councils the opportunity to explain their actions prior to the appointment of an investigator. The improved investigation provisions in relation to the declaration of defaulting councils are also welcomed. The council objects to the provision giving the Minister review powers over subsidiaries, and I understand that the council has made a more detailed submission in regard to that matter.

The Adelaide Hills Council has previously objected to the consultation draft provisions in relation to subsidiaries. The requirement of subsidiaries to complete business plans is onerous and, according to the council, should be reviewed. I tend to support that view. They are the issues that have been brought to the attention of the Minister and of the Local Government Association by the Adelaide Hills Council. In closing, I again commend the Minister on reaching this important goal. I believe that the legislation before us is a vast improvement on what we have had in the past. There is need for clarification and, as I said earlier, I am sure that

some of the clarification will be sought and provided during the Committee stage of the Bill, both in this place and in another place.

Finally, again I commend the Adelaide Hills Council. I have not referred to the submission from the Onkaparinga Council because I understand that that is to be dealt with by some of my colleagues from the southern areas of the State under that council. So, I commend the Minister and I commend the Bill to the House.

Ms WHITE (Taylor): I make some brief comments on this legislation, which is wide ranging. There are 14 chapters of the Bill, which cover a lot of aspects that I will raise in the Committee stage, so I will confine my remarks now to some general comments on the legislation and a few comments on the Minister's second reading explanation. I commend the Minister on taking the initiative to continue with this review of the Local Government Act. It is a pretty old Act and it needed reviewing, and he provided a reasonable consultation period to that end. That is appropriate, so I commend him on that. But I must say that I am a little disappointed in the legislation before us, because its scope is rather limited.

The Bill does not examine the important questions involving the functions of local government compared with those of State Government. No consideration has been given in this legislation to having a fresh look at the role of the two different levels of government and reviewing that. That needs to be done. I had hoped that the Minister would do that as part of this process.

In his second reading explanation, the Minister states that the legislation before us is designed to accommodate change without rewriting the Act. I thought that was a strange comment to make given that he has taken the trouble to rewrite the Act but ignored that very important question. In his second reading explanation the Minister hints at the changing role and functions of State Government versus local government and the changing environment in which local government operates when he refers to corporate organisations for local service provision and changes in that regard, yet he ignores that when it comes to the substance of the legislation. That is disappointing. Perhaps in his second reading reply the Minister will indicate to the House why he has decided not to be more 'bullish' in his review of the Act. There are only a couple of issues—

The Hon. M.K. Brindal interjecting:

Ms WHITE: Attila the Hun? Not you, Minister.

The Hon. M.K. Brindal interjecting:

Ms WHITE: Socrates is not the character I was thinking of. Minnie Mouse perhaps, but not Socrates. One of the other issues I would like to raise is that of minimum rates for councils. This matter is an issue in the electorate which I represent. A portion of my electorate falls within the Playford Council boundary. A fair proportion of those ratepayers are paying the minimum rate, which does not reflect their capacity to pay, whereas at the top end there are expensive properties, the rates for which are not in proportion. Many of those residents pay the minimum rate when they could afford to pay above that. So, during the Committee stage I would like to re-examine the issue of the minimum rate as it arises in these changes.

Another issue on which I want to comment is the provision in the Bill to preclude members of State Parliament from also holding office within local government. I think that is a good initiative, because occasionally there is a clear conflict of interest between someone representing a local council ward (or a full council if it is the mayor) and the boundaries of the State electorate.

I came across this problem in a real and personal way when I first ran as an endorsed ALP candidate. I was the endorsed ALP candidate for Wright between the beginning of 1991 and the end of 1993 against Scott Ashenden, who has now left the Parliament. During that campaign there was quite a debate. It was Scott Ashenden's intention to hold both offices, because at the time he was a councillor with the Tea Tree Gully Council. The problem was that he represented a ward within the electorate for which he was running. There was a hot issue about the rating system for that area.

That particular gentleman had built an agenda on a rating system that satisfied his ward electors but disadvantaged another sector of the State electorate for which he was running, so there was a clear conflict of interest. He certainly got himself into a lot of trouble over that issue and, some may say in the end, after that issue blew up, he actually lost his seat. It was a clear conflict of interests in being a ward councillor and a member of State Parliament. I certainly support measures to dispense with potential conflicts of interest in that regard.

I have a concern about the amount of time I spend as a State member of Parliament dealing with local council issues. I have one of the busiest electorates in this State in terms of constituency workload on State Government matters. On top of that, I must deal with a number of local government matters. I have a policy in my office (and members may say this is self-inflicted) that if anyone comes through my doors they get a service, whether their issue involves Federal, State or local government matters. I will negotiate with the State and Federal Governments and work with my colleagues, but as far as the constituent is concerned they are dealing with me. I need to do that with regard to local government matters because many of the councillors work full time and are not available, because it is an after hours thing for them, when my constituents need help. So, people come to me and I have to use the resources of my office to solve local government problems, and that is a huge proportion of my work. I therefore have a lot of concern about the amount of time I spend on local government matters. It is an issue that we really should address, because I know it is the case for many of my colleagues in busy electorate offices.

The Hon. M.K. Brindal: Are you saying we should make it a full-time paid position?

Ms WHITE: No, I am not saying that at all, but I will say more on that in Committee. I have a few questions of the Minister based on what he said in his second reading explanation, in which he presented a vision, and I commend him for that as it is a good one. He says that he wants a more efficient local government sector able to play a key complementary role in economic development. I agree with that. Given that that is part of the Minister's vision, what is there in the Bill which does that? How does the Minister achieve that? That is my first question.

The Minister also stated in his second reading explanation that the Local Government Association had input into the substance of this Bill, and I know that that is so. The impression given in the second reading explanation is that the Local Government Association is happy with the majority of this Bill. Will the Minister comment and make clear whether that is actually true?

The Hon. M.K. Brindal interjecting:

Ms WHITE: Okay. Were any ideas put forward by the LGA in particular, as it is the peak body of local government,

but not taken up in this Bill? If so, will the Minister identify those issues for my information?

The Hon. M.K. Brindal interjecting:

Ms WHITE: I would expect that with this Bill a majority of the views would have been taken up. I want to know which issues the Minister decided to reject. There are a few other issues which I will not raise at this stage but which I want to consider more carefully in Committee, namely, competitive tendering in councils and the mechanisms in this Bill which affect subsidiaries. Perhaps it would be best if I raise those in a more comprehensive way when we reach the relevant parts of the Bill.

I support the second reading of this Bill. I am not quite sure at this stage what I will do with individual clauses: it depends on what information the Minister provides. However, I ask that the Minister address those couple of questions that I have just asked in order to aid me in my deliberations on the rest of the legislation.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I speak proudly to support the second reading of this Bill, as the member for Adelaide in this State Parliament. In doing so I commence by congratulating the Minister for bringing to the Chamber such an important piece of legislation that, basically, has involved so many people in what has been a long process. I am tempted to say—and I dare say the Minister may have felt this at times—that an exhaustive consultative effort has been made.

The Hon. M.K. Brindal: Arduous.

The Hon. M.H. ARMITAGE: Yes. Minister, the result of your ardour is indeed a fine piece of legislation which undoubtedly addresses all the key issues that had been factually ignored for such a long period of time in this important legislative arena. As I said, it was a very impressive listening exercise on behalf of the Minister and his staff, and I congratulate them on that exercise. Certainly, I was delighted that the Minister deigned to listen to me so often in my eyrie at my office—which I think is possibly a compliment to the coffee I serve rather than the quality of my ideas. However, I am—

The Hon. M.K. Brindal: And the buns.

The Hon. M.H. ARMITAGE: Yes, and the buns. I am, however, delighted that I was able to have such free access to you, as I know has been repeated to me by a number of people around South Australia. As everyone in this Chamber would know, I have three councils within the State electorate of Adelaide. One, the Adelaide City Council, is totally enclosed, and obviously the other two—Prospect and Walkerville—are not. I have a regular meeting with the Mayors and City Managers of those councils. I have been aware of considerable consultation between the Minister and the Lord Mayor in the case of the Adelaide City Council, Mayor Frank Stock in the case of Prospect and Mayor Craddock in the case of Walkerville Council, Mayor Craddock obviously being intimately involved as the President of the Local Government Association. I regard myself as lucky to be able to bring to the Minister on occasions some minor nuances from three such constructive and, indeed, effective councils.

The only matter on which I wish to take the time of the House specifically in relation to the second reading of the Bill is something about which I have a keen personal interest. That interest is indeed nothing other than as a general member of the public who adores the wide open spaces of the parklands. Many years ago at the North Adelaide Society (a group of residents and ratepayers), someone said, 'Even the way South Australians say 'parklands' is different from other States. We do not say 'park' lands; we do not say park 'lands': it is actually 'parklands'.' In other words, the emphasis is on both those two four-letter words. That emphasises just how differently we in South Australia approach our enjoyment of and support for the parklands. Like many other South Australians, I enjoy the wide open spaces and, as local member, the issue of the parklands has been and I am sure will continue to be one of the key issues not only for my constituents but also for South Australians in general.

I recommend that those people who have not read a wonderful book by Jim Daly, *Decisions and Disasters: Alienation of the Adelaide Parklands*, do so, because it talks about the plight of the parklands admirably. Mr Daly points out that Adelaide was endowed originally with a unique 2 300 acre belt of parklands around the inner city by Colonel Light, who was, as I am sure everyone knows—and if they do not, they jolly well should—our first Surveyor-General. When Governor Gawler purchased the parklands for £1 an acre, 380 acres were then set aside for Government reserves. On another occasion I spoke about how Governor Gawler purchased the parklands early one morning to preserve them forever, having heard about a speculator who was going to purchase the whole of the parklands—I believe after a successful wager, but that little detail does slip my mind. However, over many years since settlement, additional acres of land have been alienated for Government reserves, in addition to the 380 acres set aside originally.

The plight of one of our most unique and beautiful features has been of concern to me for a long time—well and truly before I entered the Parliament. I was disturbed to see gradual alienation, erosion or diminution—whichever verb one wishes to use—of land that was designated by Colonel Light to be parklands, to be set aside for the enjoyment of all South Australians. However, I am a realist. I recognise that, as Colonel Light originally identified, there will be development of one sort or another within the parklands. That seemed appropriate to Colonel Light. He set aside nine areas which included: the Botanic Gardens, the Royal Adelaide Hospital, a Government domain on which Government House now sits, a barracks, a cemetery, an immigration square, and a couple of other areas. He identified that there were a number of areas in the parklands for which it was appropriate that the Government would determine a use for the benefit of all South Australians. This was recognised as early as our founding fathers.

However, it is critically important that we go no further; indeed, the parklands should be preserved. There is a way of moving back towards Colonel Light's magnificent—that is a word I do not use lightly in this context—original vision for the parklands. I was delighted earlier today to stand shoulder to shoulder with the Minister in identifying to the public that the Liberal Government will be moving amendments that will see a gradual increase in the amount of parklands rather than what has been a gradual diminution. The parklands are a very important asset, and if the amendment which we have foreshadowed and which will be discussed at length later in the debate is passed, it would see a quantum of 110 per cent of land being returned to a parklands preservation land bank, if you like, for every 100 per cent that is utilised in the future.

This is not an exercise in seeing the parklands further developed. Indeed, there is now a line in the sand. There will be no further alienation of the parklands. If some Government

or council determines in the future—just as Colonel Light and Governor Gawler did originally—that there ought to be some development in the parklands, there will be an increase in the area that is returned to be available for everybody.

I believe that I am very fortunate each day to see and enjoy the parklands, and I particularly think of a number of my constituents who inform me that the reason why they stay in Adelaide and the reason why they are pleased to live in Adelaide—and these are a number of people who over many years have had an extraordinarily productive business life, who have achieved a very high level of academic recognition, and who belong to a number of other professions—is that they can walk to work through the parklands, which they regard as a unique pleasure. Every day in the parklands there are people enjoying them. The amendment, which I am delighted that the Government has agreed will be moved tomorrow, will see that opportunity further increased into the future.

The Hon. M.K. Brindal interjecting:

The Hon. M.H. ARMITAGE: Hear, hear! It is with a great deal of pleasure that I identify my support for the Bill in general. I congratulate the Minister and, as I indicated before, all the members of his staff, in bringing the Bill to this stage.

Mr WRIGHT (Lee): I am happy to support the second reading of the Bill. It is broad in nature. I am not too sure who said it but someone, I believe on the Government side (I would not be certain of that), said earlier tonight that it was a minimalist position. Obviously, we will be exploring a number of avenues as we go through the Committee stage but, with the changing nature of local government, it is important that we have something like this before us.

It is undoubtedly the case that, in recent years, local government has gone through a major transformation. I will not go through those transformations, but if one looks at the changing nature of the boundaries one can see how councils have become much bigger. In the area where I am lucky enough to be the member, I have the one council that looks over all the electorate of Lee and also adjoining electorates, and I am talking about Charles Sturt, one of the biggest councils in the State. And there are other others, of course, which are very big in nature. So, that is a major change that has occurred in recent years. With those changes one wonders at times, with the additional responsibilities and budgets that come with those changing boundaries, whether in fact in some instances (and I am not talking about Charles Sturt Council now) local government has been ready for the significant changes that have occurred. I believe it is a good thing that the Minister has brought this Bill before the Parliament. It is long overdue, if we take account of the fact that this Act has been in existence since, I believe, 1934.

I have mentioned Charles Sturt Council. Like other members, I would like to acknowledge the role that Charles Sturt Council plays in the community that I am fortunate enough to represent. It is a very large council area, and the council plays a significant role. It has a very diverse area geographically and in many other ways. I would like to acknowledge the work that is being undertaken by the Charles Sturt Council and the role that is played by the Mayor, John Dyer, who has been in that position for many years. It often astonishes me when one sees people in local government who undertake a whole range of functions—largely unpaid—and who really do commit themselves in time and effort not only in attending functions but, of course, in policy areas as well. I put on record my thanks to the work that is being done by the Charles Sturt Council.

The Hon. M.K. Brindal interjecting:

Mr WRIGHT: A new CEO, that is correct, and I believe she is going well as well. I would like to say that I welcome the discussions and negotiations that have taken place. It is important when we have a Bill of this type before the House that the major players are involved—the Local Government Association, the councils, the major affiliated unions—the Australian Workers Union and the Australian Services Union—and the ratepayers. It is important that they are all very much a part of the negotiation process that occurs in putting together a major Bill of this type. I have some concerns about the competitive tendering section and I understand that the shadow Minister will be raising some issues about this. Perhaps discussions have already taken place with the Minister but, notwithstanding that, I am concerned about Chapter 4, Part 4, clause 50(4) in the section about contracts and tenders policies, which reads:

> A policy must be consistent with any principle or requirement prescribed by the regulations.

I would not have thought there was a need for that to be in the Bill. I am concerned that we may well have councils involved with competitive tendering through a backdoor policy. We do not have to remind the House of some of the horrific situations that have occurred across the border with compulsory competitive tendering, but at least we must ensure that in the competitive tendering process we have some important considerations and principles in place so that as we go down this track it is done with surety, certainty and safety for the work force. I am concerned about that clause in the Bill and I hope that matter will be explored and discussed in more detail in Committee. I am pleased to support this second reading. I look forward to the Committee stage. It is obviously something which is long overdue. I acknowledge and congratulate the Minister for bringing this Bill before the House and I look forward to the Committee stages.

Mr HAMILTON-SMITH: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. M.K. BRINDAL (Minister for Local Government): I am somewhat surprised that there are no further speakers. As soon as somebody brings me some notes I will be able to respond fulsomely. I thank all members of the House for their contribution to this debate, and I refer particularly to the very constructive way in which members on both sides of the House dealt with some of the propositions raised. I think the whole House can and should look forward to the Committee stage of this Bill. There will obviously be some vigorous interchange, which has already been alluded to by the member for Gordon and the shadow Minister with respect to a number of important matters, one of which is competitive tendering.

I should say to the House at the outset that it has never been the Government's intention to follow the Victorian model. We believed almost from the outset—and if we had not believed from the outset local government forcibly put the point of view wherever we went in the early consultations—that slavish adherence to a principle of competitive tendering was not in the interests of local government in general and therefore not of this Government or of any future Government.

The original proposition for competitive tendering was to lay it out as a principle and say, 'Look, the principle is to have competitive tendering but under certain rules councils can exempt themselves.' We thought that was a reasonably elegant provision, because councils would simply have had to go through almost a rote formula in the minutes of council, identifying the needs of the local area as a legal reason for their not using competitive tendering. In particular, some of the members opposite mentioned the problem for rural councils with road construction.

Members should note that, in this consultation process with the LGA and the local government sector since the introduction of the final draft Bills, we have agreed on a better resolution and better wording in more than 100 matters. There are still some fundamental issues on which we have some differences. The member for Taylor asked what some of those matters were and I will endeavour to cover that in this contribution, or certainly as we go through the Committee stage.

Members of the Opposition and the crossbenches, in particular the member for Gordon, have referred to the lost opportunity to do something grand and forward looking, something which is imaginative and progressive with the new Local Government Act. They have missed much of the point in updating this legislation. It has never been the intention of this Government to design a grandiose statement on the part of the State. As has been said repeatedly, it is designed to enable local government to take up the challenges of a new millennium—a piece of legislation that does not stick out like a sore thumb.

It provides a workable framework in which councils can operate with clear public expectations, in which their elected members can exercise the imagination, enthusiasm and skills that they bring to the task of leading their communities, and in which members of the community can have confidence as well. If there is one thing in this legislation of which I am proud it is the absolutely consistent approach of removing, if you like, an inspectorial and inquisitorial power from the Minister and Executive Government, and even this Parliament, and saying that what we want is a system of government in which local government is less accountable to this Parliament and more accountable to the people whom it represents—the ratepayers of those particular council areas. These Bills would put in place a legal infrastructure for these things to happen.

The member for Gordon refers to the relationship between the Bills and economic regional development and planning. The provisions contained in the Bill specifically recognise the significance of local government's potential role in economic development. Broadly speaking, the role of local government in this area already encompasses internal efficiency in the operation of local government as a business and an employer in its own right; the provision of a significant range of services, and particularly infrastructure, for broader economic activity; the regulation of economic and other activity in certain respects; and the provision of leadership, promotion and encouragement in economic areas and support for economic development as such.

Descriptions of the objects and functions of councils are considerably more prominent in the arrangement of the Bill. I remind members that the description of 'Functions' includes:

(a) to plan at the local and regional level for the development and future requirements of its area;. . .

(g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;

The member for Gordon finds a lack of a framework in the Bill to deal with intergovernment relations. I, therefore, draw the member's attention to the new provisions encouraging intergovernment coordination. The honourable member did say that the objectives of the Bill were one of its strengths, and the Bill provides that a council must:

(c) participate with other councils, and with State and national Governments, in setting and achieving regional State and national objectives;
(d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
(e) seek to coordinate State and national government in the planning and delivery of services in which those governments have an interest;

A Government amendment will be proposed which further clarifies and somewhat strengthens these, and we have taken that up as a direct result of the member for Gordon's suggestions in his second reading speech. In practice, this will occur under a requirement for councils to develop and adopt strategic management plans which identify the council's objectives for the area over a specific period and clearly indicate the extent to which they have incorporated the above objectives in creating these plans. This strategic approach, we believe, goes right through the Bill. For example, the Local Government Boundary Reform Board's final report has been taken into account and, in relation to boundary adjustment, the aim is to negotiate provisions which allow the representative body making the recommendation to focus on boundary outcomes which would best enhance the future capacity of areas and regions in strategic terms.

Under the Bill, councils will follow through by linking their strategic plan with annual operations and key policies such as their rating policy. The goal is to have councils define economic and social objectives for their area and then implement these integrating appropriate strategies across all areas of operation including rating, revenue raising and regulatory functions. In summary, we believe that councils will be put in a strong position to consider, document and articulate their role in the local and regional economy, to advocate for their areas and to ensure that local government activities optimise the competitiveness of business and industry.

The member for Gordon commented that the Bill fails to move from the pain of structural reform to functional reform in local government. I must say to the member for Gordon that he could sometimes give me a hand with writing my speeches: he has a very good turn of phrase. The member for Gordon says that the Bill fails to advance true reform in partnership; that we need devolution of both functionality and autonomy to the lowest possible level; that local empowerment is the best way forward; and that we need to rebuild civic society based on civic entrepreneurs. The member for Gordon made these sorts of remarks in this debate and earlier in the sittings. In that respect, I could not agree more than with the statements he made on 16 February during the grievance debate when he said:

We wish to live in a society, not an economy. . . to create vibrant local communities.

Again, I could not agree more. As to whether the Bill recognises and empowers local communities, I therefore draw his attention and that of other members to clause 3(b),

'Objects', which specifically refers to providing local communities with sufficient autonomy to manage the local affairs of their area, and the role defined for council in clause 6(c) of encouraging and developing initiatives within its community for improving the quality of life of the community. These objects and roles are borne in the body of the Act by provisions such as those which ensure that electors can play a real role in proposing changes to the constitutions of councils and in changing boundaries, composition and ward structure.

To ensure that communities enjoy a relationship with their council which is based on council's accountability to them, under this Bill councils must engage with their communities as never before in producing and explaining their strategic plans, policies for rating, public consultation, tenders and contracts, use of orders and plans for the management of community land. It also gives councils wide discretionary powers and opens up numerous ways in which they can assist individuals, groups and businesses within their community and directly involve them in managing council facilities and communities.

Having said all that, I acknowledge still some of the valuable points raised by the member for Gordon. I am sure we will canvass this further in Committee, but I say to him only this: some of the things he desires—and they are common desires held also by the Government—we do not believe we can actually achieve in legislation. We are therefore discussing, and are prepared to discuss with him and any other colleagues, going the next step, and the honourable member spoke about the memorandums of understanding which were specifically agreed between former Premiers and local government. Perhaps some of the specific objectives which he seeks and sees as lacking from these Bills are properly a subsequent step in creating another memorandum of understanding or a resolution of the House.

I put to the member for Gordon that we did not see how to fit them into this in a way which would stand the test of time and which was not too prescriptive and allowed the very flexibility that he would seek for modifying the needs of particular councils, allowing councils to develop as they see best fits their communities. Certainly in the Bill there are some areas where councils are not given complete freedom and it is important to examine the reasons for this. Some councils have objected, on the ground of council autonomy, to some of the provisions in these Bills which establish rights for individuals and communities in relation to their local authorities, or which establish some features or processes common to the system of local government.

They see these as being requirements imposed by the State Government rather than as protections for citizens and communities which ensure that their councils, as Governments, are accountable. The Bill includes the highest standards of public sector accountability for councils and also ensures that structural change and electoral processes are not controlled by those currently in office who may have a vested interest in maintaining the *status quo*. In this respect, I put to all members that this Bill, in essence, seeks to do for local government what the Constitution Bill does for this Parliament, in that it prescribes boundaries and sets norms in which the people of this State can have confidence. Even this Parliament is not unfettered in its rights; even this Parliament is bound by the Constitution of the State of South Australia.

In a similar way this Bill seeks not to fetter councils unnecessarily but to prescribe those boundaries which the people of South Australia and which this Parliament, as the body which is enacting this legislation, has a right to say, 'These are the protections which we the people require for us, the people, in the area of local government.' In that way it is very similar to a constitution Act, such as the one that governs this Parliament, and it should be as carefully considered and as difficult to alter as our own Constitution Act is.

This Bill does not provide councils with powers to legislate in relation to all their functions, but it does provide councils with broad powers to make by-laws controlling the use of land under local government care and control. It is interesting that members have noted that one of the criticisms is that, despite all the discussion with honourable members and the local government sector, out of the woodwork come three anonymous sources which have faxed all the radio stations, never divulging their name, which is also a great worry to me, claiming that this is the most horrendous Bill ever to hit Parliament because it gives to councils draconian powers which they will proceed to abuse, and that the world as we know it is coming to an end. Interestingly, none of these propositions—

Mr Conlon: Michael Atkinson.

The Hon. M.K. BRINDAL: It might have been Michael Atkinson, but I do not think so. It was a bit out of left field, even for the member for Spence. Interestingly, these people who are now the guardians of public probity and all that is right and good did not contribute to the consultation process, and they seem to have honed in on powers that have been in the Act since 1934, and which most members would consider may well be reasonable and necessary, for two good reasons.

First, if they have been in the Act for the past 65 years and nobody has objected that councils were abusing them, perhaps councils have not been abusing them. They concern things like powers of entry, powers to drain water across property, and all sorts of things which nobody would seek to use but which might be very important if, for example, the Murray River was flooding and a council needed to put levee banks on someone's property but they could not find the owner, and if animals were in distress or people were dying. I am talking about that sort of power of entry which we confer on the police, electricity services, fire brigades and all sorts of people, not for draconian reasons but for reasons which Parliament believes might well be for the public good.

This Bill does not provide councils with powers to legislate in relation to all functions, although as I have said it does provide broad by-law making powers. That is one of the main distinctions between this Bill and some interstate local government legislation, including the Queensland Local Government Act. It is part of a framework designed to benefit individuals and businesses in South Australia by reducing and simplifying regulation at all levels and by clarifying and coordinating the regulatory roles of State and local governments.

Statutes other than the Local Government Act cover specific areas of regulatory activity and set out the roles of State Ministers, State agencies, statutory bodies and councils within that area of activity. I believe that the shadow Minister volunteered that there are 64 such pieces of legislation which require interaction between councils and the State at various levels, so quite a number of Ministers are involved.

If the regulatory functions of councils, including any necessary by-law making powers, continue to be set out within specific Acts where possible, there is greater opportunity to introduce consistency and to minimise confusion and conflict. That is already becoming evident in such important

areas as parking regulation and traffic matters, where we are making haste slowly to shift the provisions because, as we went to do it, we realised there were some inconsistencies and, in the context of national road laws, Minister Laidlaw is looking at that matter.

Just to have attempted to do it has proved to us why people such as Mr Howie make such a feast of being able to tie us all in knots over parking and parking regulations. This framework allows local government legislative powers to be delegated in a way that is consistent with councils' desire for a minimum of intervention by the State. It is worth noting that States that have provided councils with extensive by-law making powers under their Local Government Acts also provide the Minister or the Governor with approval or veto powers in relation to those by-laws.

The Bills do not in themselves reorganise roles between State and local government. This would be a static result when what we are looking for is a framework that recognises that roles and processes for carrying them out will change. The Statutes Repeal and Amendment (Local Government) Bill sets up a process for repealing remaining regulatory functions in the current Local Government Act as specific Acts dealing with those functions are revised to incorporate the roles and responsibilities of State agencies and local governing bodies in relation to those regulatory functions. Work is already in hand and preliminary proposals are with the Local Government Association on advancing the functional reform agenda. As soon as the necessary legislative infrastructure is complete, we will move forward into specific functional reform programs in a more public way than ever before. And I give the member for Gordon my undertaking on that in this House. As Minister I am encouraged—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: The shadow Minister interjects. I only say that to the member for Gordon because ever since he has been here he has demonstrated a genuine interest in this matter.

Mr Conlon: He's demonstrated a willingness to believe anything you tell him.

The Hon. M.K. BRINDAL: The member for Elder says something that is far from the truth. I wish that I could convince the member for Gordon of more that I tell him, rather than less. As Minister I am encouraged by the interest shown by all sides of the House and look forward to further opportunities to take matters forward relating to coordination and reform of functions as between State and local government. I repeat: there is nothing in the Bills that prevents councils from playing a key role in building a civic society and responding in diverse and unique ways to their local circumstances, and there is much to encourage it.

There has also been a criticism that too much is left to regulation and that the Government has not provided draft regulations. There are numerous references to regulations as prescribed requirements in the local government Bills. To suggest that regulations should have been drafted before Parliament decides what the primary provisions will be is indeed to put the cart before the horse, and to suggest that to provide for regulation is to set up a devious route by which to impose the will of the State Government on an unsuspecting local government sector is a nonsense.

Mr Conlon: Why don't you prevent a future Government from doing what it wants through regulation?

The Hon. M.K. BRINDAL: As the only future Government on offer in this place is on that side of the House, the question I should be asking the member for Elder is: how can I possibly prevent him from doing what he wants if he ever becomes the Minister?

The DEPUTY SPEAKER: Order! There will be ample opportunity for questions to be asked during the Committee stage. That is the appropriate time for questions to be asked of the Minister.

The Hon. M.K. BRINDAL: The member for Elder is an intelligent contributor to debates and he knows without my telling him that regulations cannot go beyond the scope of the primary legislation. He also realises that if we were to try anything devious by way of regulation he for one—and, if not he, 21 members over there or three Independents sitting on the crossbenches—would disallow it on the very first day that Parliament sat. I would put to the member for Elder that, if we wanted to do anything devious, if we wanted to get stuck into local government, it would be safer and better to try to do it by way of this legislation than to try to sneak some sort of regulation through afterwards.

In many cases, and in the specific cases mentioned by the member for Elder concerning tenders and contracts, consultation policies and codes of conduct, these provisions have been included as standard drafting practice to allow for contingencies which may arise on the basis of experience. No regulations are proposed or required for the commencement of this Act. I give the member for Elder that categorical undertaking in this House.

These provisions can generally be grouped into key topics, such as: electoral forms and processes; financial and accounting matters; meeting procedures; subsidiaries; members' allowances; returns and registers; and some additional specific matters. We plan to consolidate these as much as possible so that we have only two or three large sets of regulations or, if it is convenient, to separate them because of the different processes for developing them into up to six to eight sets corresponding to the topics to which I have referred. I point out to members that currently there are 24 sets of regulations dealing with the Local Government Act. The most that we envisage at the end of this process will be eight and, if we can get away with it, two or three. I think we all agree that that would be a mammoth step forward.

In some key topic areas work is required to develop new regulations for operational processes corresponding to the new primary provisions; in others, it is a matter of continuing or updating the current regulations. In some cases, some work has been done (for example, members' allowances), but final positions have not been resolved. In other cases (for example, meeting procedures and accounting regulations), it is hoped that local government will not simply be consulted but will take a proactive role in the development of those regulations.

Again, I make the commitment to the House that we will actually involve the Local Government Association in some sort of a proactive role in the development of regulations. I therefore reiterate that it is ridiculous to suggest that the Government could make regulations which override the terms of the primary provisions, and that the—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: In answer to the member for Elder's interjection, the Parliament would not disallow them if the Government tried to make anything other than good regulations. I am happy to indicate as we proceed whether it is proposed to regulate under specific provisions at the time of commencement and, if so, the sorts of matters which might be covered. The member for Elder well knows that, if I give

my word that we will not regulate on the matter, we will not do that whilst I am the Minister.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: I can't be responsible for you when you're the Minister, if you ever are the Minister. The member for Elder indicated an interest in provisions for elector-initiated boundary changes. In particular, he referred to the leafier parts wanting to leave for greener pastures.

Mr Conlon: A lovely turn of phrase.

The Hon. M.K. BRINDAL: It was a lovely turn of phrase—a very Irish sounding turn of phrase. The elector-initiated proposals for boundary change must, first, be submitted to the councils concerned to give them an opportunity to respond. I think that is important as a way of achieving some sort of a just and equitable process. If the electors remain dissatisfied, they can have their submissions submitted to the panel. If the panel decides to pursue the proposal, it must take into consideration a number of principles in arriving at a recommendation, including matters such as the resource base of the sending and receiving councils, facilitation of effective planning and development of the areas involved, and the management of environmental and land use matters.

It will not be possible for groups of electors to succeed in changing council areas solely in order to pay lower rates or to satisfy some socioeconomic aspiration. Larger considerations of community interest must and will be respected.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: I hope that someone does at some point. It would be worth making, then.

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL: The Opposition has indicated that it will oppose the attempt to limit the judicial review in matters affecting boundaries. To that I would say that this section was the subject of considerable debate when structural change provisions were before the Parliament in 1995. In agreeing to the limitation, the Parliament recognises the susceptibility of the structural reform process to the judicial review proceedings designed to delay consideration of proposals and the need for a non-adversarial approach to assist the objective consideration of proposals.

There are other effective checks and balances in the current process, including the role of the Minister for Local Government in referring back to the panel for further consideration. For example, a board report was referred back to the former board with a request that it give public notice and conduct another hearing after the Minister became aware of an apparent procedural omission in the board's handling of the proposal which may have prevented an affected party from being heard.

It is relevant that no elector's proposal ever succeeded under the local government panel system which preceded this Bill. It was difficult for electors to muster the resources to lodge a proposal, and councils generally viewed elector initiated proposals as hostile. The former Dudley Council, for example, sought an injunction from the Supreme Court to prevent a panel from being formed to consider a resident's proposal for the amalgamation of Dudley and Kingscote over various technical issues involved in the formulation of the proposal. Without making any comment on the merits of that action, the process did not assist the councils to get together and rationally explore the potential benefits, which were obvious to many, of a single council authority for Kangaroo Island. Indeed, Kangaroo Island is going ahead now that it has a single council authority for the whole island. It seems somewhat strange that that process could have been, and indeed was, frustrated by elected councillors acting against what the ratepayers now deem to have been in their own interest. The current process did allow that to occur and the current council was formed in December 1996.

In respect of the legal capacities of natural persons and powers of previous legislation, and how different they are, the member for Elder has asked, in regard to providing councils with legal capacities of a natural person, how different that is from the current provisions. The answer is, 'No different.' The current legislation refers to the juristic capacity, and the former wording in the Bill is simply the way full powers are now provided to bodies corporate. I hope the member for Elder understands that because I do not!

With respect to the introduction of subsidiaries, bodies corporate (councils) are able to create liabilities guaranteed by councils, and that would prevent a Patrick-type episode. If the member for Elder wants to know more, I will be delighted to give further advice in Committee about proposals for local government subsidies. I agree with the member for Elder (and this will be a shock to him, as I stand on this side of the House) that the industrial interests of workers can, should and indeed must be protected.

In respect of the comment relating to a backdoor attempt in Part 4 of chapter 4 for councils required to adopt policies on contracts and tendering, and that the sting might be in Part 55, consistent with regulations, that is, that we mean to compel compulsory tendering—

Mr Conlon: If you are trustworthy, what about your successor?

The Hon. M.K. BRINDAL: That makes it a difficult argument to refute, doesn't it, so I will leave that one. The member for Elder says that the change of the terminology from 'aldermen' to 'councillors' represents no real change. I am surprised he is not in favour of removing a term that was inherited, as he points out, from a—

Mr Conlon: The term and the practice.

The Hon. M.K. BRINDAL: Well, we have at least removed the term, which is half way towards what the honourable member wants. The Government considered removing the capacity for councils to have both members elected at large and members elected from wards, but we decided not to go ahead with it—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: No, it was given the capacities of local communities to decide what they wanted to do. Basically, it was put to us—and we were in favour of proceeding down the track indicated by the member for Elder—that if you want councils to be a legitimate sphere of government in their own right, less rather than more interference is the way to go. So, this was one of the issues on which we said to them, 'If you want both, have both. It is really your decision. Your electors have to pay for it; you have to wear the consequences.'

In terms of regulations about the proceedings of councils, currently there is the Local Government Act, Proceedings of Councils, Regulations, 1984. I point out again to the member for Elder that there are 24 such sets of regulations pendant to this Act and that we want to reduce them perhaps to two or three, at the most, eight. So, there are regulations which govern council meeting procedures. These regulations are in the nature of Standing Orders. They will be required upon commencement of this chapter and are expected to be subject to some revision to update them and to provide a better balance between formal and useful discussion and debate.

Again, this is an issue on which we would seek the active involvement and assistance of the Local Government Association, but we do consider that they are necessary.

The member for Elder queried the significant defamation protection inherent in clause 92. It can happen that councils or committees need to deal with statements or documents that might contain defamatory material, for example, complaints from residents or statements made in debate under qualified privilege. The provision is designed therefore to protect a council from legal action for simply accurately reproducing what others have said in order to meet the obligation to make minutes and related documents under this section. If the member for Elder wants to question that further when I have officers here, I will be happy to explore that with him.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: No, I do not think it does, but as I said—

The DEPUTY SPEAKER: Order! Questions can be asked during the Committee stage of the Bill.

The Hon. M.K. BRINDAL: The matter of the times of council meetings was raised by several members opposite (it is now after 5 p.m.) in that it is a good provision and should not be removed. The time of council meetings is a matter on which there has been a whole lot of debate and various strong views expressed by both sides in the local government community. The time of council meetings is the only remaining difference between municipal and district councils. Rather than perpetuate this distinction, the Bill leaves the decision about council meetings to councils themselves, again to give greater autonomy to those people, as the level of government, to make the decision for themselves.

However, it is recognised that this can be a difficult issue for a group of elected members, and I acknowledge the arguments of those opposite. We certainly do not want to keep anyone from having an ability to participate in local government—whether they are a blue collar worker, a teacher, or a variety of other people who might be precluded, such as a shopkeeper who, for instance, might be precluded merely because of their business requirements. In this Bill we say that if a unanimous vote of the whole council cannot be arrived at, the decision must be reviewed every six months. If members opposite wish to preserve the current provision, the Government will not mount a strong opposition; however, there is little evidence that either councils or anybody else are concerned about the Bill's provisions in this regard. We wanted to give them more autonomy. If members opposite want to fight about it and say that that is no good, that is fine; but we have tried to be rather less prescriptive. It is not an issue on which we will go to the battlements.

Mr Conlon: Then you'll give in.

The Hon. M.K. BRINDAL: We'll compromise. It was said that one of the most regressive features of the legislation was rates. The first principle of setting rates on the basis of land value has been watered down, and councils may apply fixed charges not based on the value of land. The Opposition certainly does not agree with this. I would have been most disappointed if it did.

An honourable member interjecting:

The Hon. M.K. BRINDAL: I would. This is one matter on which the Opposition has always been very firm in its view. Equally, the Opposition will grant to us that there is one consistent policy difference which we have always held—and it is over this matter.

However, I put to the Opposition that there is little consistency in its position. This provision has been included in order to allow councils to take full responsibility for their rating policies and to provide them with the flexibility they argue they need to respond adequately to their communities. One of the problems with past rating policy is that it has been rather too easy for councils to adopt a simplistic solution. In adopting the simplistic solution, members opposite have pointed out that sometimes the social justice needs of people who are at the lower end of the scale or who are in high value housing are not adequately dealt with.

Therefore, in this Bill we propose a larger raft of measures for rating to force councils, in addressing their rating policy, to seriously look at issues relating to social justice and to take responsibility for social justice issues. Social justice is not just the province of this House nor of Canberra. Every elector we represent at Federal, State and local government level is a person and, if social justice is an issue for one level of government, it is equally an issue for all levels of government. In this Bill we seek to provide better mechanisms by which councils can address their legitimate concerns for the social justice needs of their communities.

The member for Elder asked why by-laws cannot be challenged for non-compliance with clause 249. Clause 249 lists those matters which a council should have in mind when making by-laws and by which others—notably the Legislative Review Committee of Parliament—may judge them. They are principles that law making bodies should bear in mind when making legislation. The clause needs to be read together with clause 250—'Rules relating to by-laws.' That clause lists the grounds on which the validity of by-laws can be challenged in the courts as established by general law.

In conclusion, I wish to thank the LGA, the councils, other stakeholders, State officers, independent experts and people who have submissions and attended workshops and meetings, and the others who have worked for years in various ways and intensively in recent months to make this happen. In particular I would like to pay a tribute to members of the Office of Local Government and to the LGA. I am a bit biased, particularly in relation to those in the Office of Local Government, who are officers of Government. At times I thought some of them had had or were going to have a nervous breakdown. In fact, I had not seen one of my officers for a few weeks, and I thought she had disappeared into a clause of the Bill, so intensely was she working on it. They have put in sterling efforts, come up with the goods and met all time lines demanded of them. This Parliament, the people of South Australia and particularly my Government and I owe them a debt of gratitude.

An honourable member interjecting:

The Hon. M.K. BRINDAL: The Government of which I am a part. I owe it—

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes, because I am part of it.

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL: We owe it to communities and their councils now to consider these Bills as objectively and confidently as possible, without trying to legislate for the lowest common denominator or the worse case scenario, without trying to deal legislatively with every individual concern that we may have about a particular council, as local government constituents or, indeed, as State MPs. Local government wants this legislation to proceed, and communities will benefit from it into the next century. We need to move ahead so that we can free up the resources and energy for the work that is still to be done.

A very extensive consultation process, which involved the release of consultation drafts in May 1998, followed by a series of workshops and meetings with councils and other interested groups, the release of negotiations drafts in December last year, the consideration of a large number of submissions and continual discussions and negotiations with the Local Government Association underpin the development of this legislation. The parliamentary calendar made it necessary to introduce the Bills in time to ensure that members could give it thorough consideration in the parliamentary process.

While I acknowledge a degree of criticism that at the end some councils feel that they would have liked a week or two more, nevertheless, I believe that this Bill has been adequately researched and it has been adequately consulted. It is now time for the Parliament, with every resource at its disposal and the considerable expertise that many members of this House have in the area of local government, to consider the Bill in the Committee stages. Because of what was said today and because this is a dynamic process I have circulated to all members of the House and, in particular, the shadow Minister a series of amendments which the Government proposes to introduce that answer some of the criticisms and respond in a positive way to some of the initiatives raised by members opposite. I therefore look forward to this Bill proceeding to the Committee stage and thank members for their contribution. I commend the Bill to the House.

The Hon. M.K. BRINDAL (Minister for Local Government): I move:

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

Motion carried.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 1, lines 21 and 22—Leave out paragraph (b) and insert:

(b) to encourage the participation of local communities in the affairs of local government and to provide local communities, through their councils, with sufficient autonomy to manage the local affairs of their area;

Mr CONLON: Can the Minister explain what practical difference there is between the amendment and the original text of the Bill?

The Hon. M.K. BRINDAL: It is quite simple; it is not large. The Local Government Association asked that we express it that we wanted to provide participation for local communities in the affairs of local government and to provide local communities, through their councils, with sufficient autonomy. The LGA argued that the communities themselves could not have the autonomy; the autonomy was for the council. They wanted the words 'through their councils' added, so we added those words.

Mr CONLON: Can the Minister explain how, in the present conditions, one could participate in a system of local government except through a council?

The Hon. M.K. BRINDAL: The member for Elder raises perhaps the reason why it was not originally in the Bill—and I accept the member for Elder's logic. Nevertheless, we were asked to add the words 'through their councils' and we did so.

Amendment carried.

Mr CONLON: How does clause 3(g), 'to define the powers of local government', stand with the description of local government as a body corporate with all the juristic abilities of a natural person? Does it mean that all the juristic abilities of a natural person is otherwise limited and defined by the Act?

The Hon. M.K. BRINDAL: It is a general provision that says that the Bill provides for the executive powers, the taxation powers, the regulatory powers and the corporate powers. So, in some senses, it limits the rights of a natural person, yes.

Mr LEWIS: Will the Minister provide the Committee with a concise statement of the services and facilities to meet the present and future needs of local communities as referred to in subclause (f)?

The Hon. M.K. BRINDAL: The House sometimes doubts my ability to provide succinct answers; nevertheless I will try to comply with the member for Hammond's faith in me. This being an object of the Bill, it seeks to set out that they may provide appropriate services and facilities, but it does not seek to define them. It is an enabling power. It seeks to say, 'This is what councils may do,' but it does not seek anywhere in the Act to specifically prescribe them. The reason for doing this is that the appropriate services and facilities that are needed by a council in 1999 may well be dramatically different from the services and facilities that might meet the future needs for local communities. Just as one example of that, traditionally councils have an office, a place where you can go to pay your rates. It might be that as we move into a computer age there may not physically be a council place. The council may be contacted through some electronic means and may exist somewhere other than a place to which one goes by walking down the pavement, by going through the doors and by going to an inquiry counter. It really is an enabling provision, and I hope that answers the member for Hammond's question.

Mr LEWIS: I am more than ever disturbed now. I thought the Minister would have a list of those things. There are some stupid sods in the Crown Law Department who have chosen to use explanations given in the second reading speech as being the basis of law now.

Mr Conlon: No-one takes any notice of that.

Mr LEWIS: They do. In this case I have to tell you, Mr Chairman, for the benefit of the member for Elder, that that has very serious implications for the expenditure of millions of dollars of taxpayers' money in various forms. I have no idea whether the Minister or Minister's staffers asked for a particular opinion to be provided or whether the Crown Law officers decided of their own volition to come up with an opinion which I cannot find referred to in case law anywhere or in any judgment in any instance. I will not go into that because it is not appropriate to do so—we are in Committee—but notwithstanding that, the important point is that we know what it is we are including in the legislation under subclause (f) and not leave it up to councils to decide that this is a mole's charter and that they can go where they ruddy well like and do what they like.

The Hon. M.K. BRINDAL: I refer the member for Hammond to the functions of council which we will talk about later, clause 7(b), which sets out the provision of services and facilities for the area.

Progress reported; Committee to sit again.

ADJOURNMENT DEBATE

The Hon. M.K. BRINDAL (Minister for Local Government): I move:

That the House do now adjourn.

Mrs GERAGHTY (Torrens): I wish to talk about the Government's lack of adequate funding for welfare and other social services that are crucial to so many people, given the current economic climate. As I am sure everybody in this Chamber is aware, these are very difficult times for the average person on the street—times of high unemployment, social tension and little money. Indeed, in the South Australian Council of Social Services 1998 poverty profile, it is stated that some 43 per cent of the Australian population currently live in or near the poverty line. The fact that so many of our population live in poverty will obviously place a high demand on Government departments such as Family and Youth Services, the Housing Trust and the Education Department due to the need for assistance and an inability to pay for private housing or education amongst the needy. This high demand for emergency relief is reflected in SACOSS's poverty report, which states that some 1 700 people a week or 88 400 people a year require assistance. However, that figure, which I assume reflects the most recent data available, is based on the number of people requiring assistance.

The DEPUTY SPEAKER: Order! There is far too much discussion in the Chamber.

Mrs GERAGHTY: Thank you, Sir. That figure is based on the most recent data available for people requiring assistance, which was in February 1997. It is more than likely that those figures would now be far higher, for there has been a huge increase in demand on the range of social service organisations. These increases are significant for a number of organisations, some of which are in my electorate. A perusal of annual reports released by such bodies will soon verify that. Two separate youth services have experienced an increase in demand for their services of 76.6 per cent in one case and 30.1 per cent in the another, just over the course of one year. The Service to Youth and Community has experienced a 26.9 per cent increase in demand for its Trace a Place unit, a unit focused on helping homeless youth and those at risk of becoming homeless, over the course of just two years. There has also been an 38.8 per cent increase in the number of applicants to Community Benefit SA for grants over the past year. Given all those increases, I suggest that it is highly likely that the figure I mentioned earlier of 1 700 people a week in SACOSS's report is rather higher.

So, what is the cause of these huge increases in demand for social services? A signpost to the answer can be found in a letter issued by the Modbury District Centre for Family and Youth Services dated 21 January 1999. I take note that in that letter the manager regrets:

> that as of this date the Modbury District Centre is unable to offer financial support services without an appointment. An overwhelming demand for emergency financial assistance covering a range of circumstances has resulted in significant over expenditure in the budget for this financial year. This situation has led to a reassessment of how financial support services can be provided in order to ensure that the expenditure can be contained for the remainder of the budget year. There will be an immediate reduction in our capacity to provide emergency financial assistance payments.

Certainly it appears that a Government department that is responsible for assisting those in dire need is unable to do so due to a lack of adequate funding levels. So, where do those who gain no assistance from a Government department turn next? There are many who receive no assistance from Government departments. So, where do they turn? They turn to other bodies which exist within society and the community and which are set up to assist the homeless and the poor. They will go to places such as Youth Services, Trace a Place and any organisation that has secured grants from Community Benefits SA. I might say they also go to places that rely on the goodwill of people in the community.

After discussions with both workers and consumers in this area, it would appear that FAYS is not the only Government body that is under funded. Indeed, with cuts in health, education and housing, it would appear likely that these departments are also lacking in resources, which results in the prioritisation of people who require assistance. Indeed, a common theme presented by both workers and consumers was that, regardless of how desperate a situation is, there is always a question of priority, meeting criteria and funds available at that time without viewing the human cost of such analysis. One cannot blame the staff for the prioritising or the dollars and cents attitude that they are forced to work with. To do so would be to blame the messenger.

The blame for this huge rise in demand on social services and the inability of the various departments to assist those in need resides fairly and squarely with this Government and its policy of economic rationalism. As there has been a huge increase in demand on a wide range of social services, it is to be hoped that the Government will look more closely at its funding and its focus. The youth service mentioned had 6 per cent less Government funding in 1998 than in 1997. Certainly, Modbury FAYS is in crisis due to lack of funds. The question is: will the Government start acting in a socially responsible manner or will the 43 per cent of the State's population who live near the poverty line be sacrificed, once again, on the altar of economic rationalism?

Both Modbury and Enfield FAYS have been referring clients to NECAP (North Eastern Community Assistance Project), which I understand the Deputy Speaker knows very well and which is run and serviced by volunteers in my electorate. Both Modbury and Enfield FAYS have been referring their clients to NECAP for assistance. They are doing so because they believe that NECAP is assisted under State Government funding, but that is not the case: in fact, NECAP lost its funding from the State Government.

Mr Venning: It was kneecapped.

The DEPUTY SPEAKER: Order!

Mrs GERAGHTY: The member for Schubert is right; it was kneecapped by the Government and it lost its funding. Thank you for that; I am sure we would be delighted to use that on some of the posters we hand out.

Government departments are referring their own clients to whom they are supposedly giving resources to volunteer organisations in the community. NECAP is actually surviving on the generosity of the community by way of donations and fundraising so it can continue to support those on low incomes within our community. Not only that, but it is fundraising within a very poor community to support clients of FAYS, because FAYS is referring them to us as it does not have the resources.

We need to ensure that, if the Government is not going to resource its own community services properly, such as FAYS, it resources those volunteer organisations in the community that are genuinely providing support for local people at an incredibly reduced rate.

Mr VENNING (Schubert): I want to raise several important issues involving the Barossa in my electorate. I was concerned to read in this morning's newspaper that industrial action was occurring at Southcorp today. I raised the matter with my colleagues. I know that it has nothing to do directly with this House or this Parliament but I only hope that the industrial action does not escalate because, as the vintage is in progress, it is a very vulnerable time to cease work at the winery, particularly with respect to the picking of white grapes, which is very critical in terms of temperature and the time of picking.

Delays at the winery can be very expensive and damaging. I hope that these industrial problems can be resolved without any undue hassles and by tomorrow. If the industrial action escalates, it could be very serious not only for my region, the Barossa, but also for the State economy, because opportunities during the grape picking season are very narrow. It could be very serious if the issue cannot be solved.

I bring to the attention of the House the ongoing negotiations between BIG (the Barossa Infrastructure Group) and the Government. BIG is a group of industry people chaired by Mr David Klingberg, Chancellor of the University of South Australia, and Mr Mark Whitmore, a vigneron. This group is certainly undertaking some ground breaking actions, particularly when one considers that it has a grand plan of taking unfiltered water from the Mannum to Adelaide pipeline, delivering it to the Warren Reservoir at its own expense and then, through its own infrastructure, delivering it to the vineyards throughout the valley. This is ground breaking—never been heard of before—particularly when one considers that this is normally the role of government. Here is a group wishing to do it on its own.

Early last year this group negotiated successfully with the Government, via the Minister, the Premier and others, to allow for use of the unused potential of the Swan Reach to Barossa pipeline during winter—not the summer when the pipeline experiences maximum usage—to pump water that the group had negotiated to buy. In other words, it would use water from the pipeline in the off-peak period when there was spare capacity. In this instance we see commonsense prevailing. The growers were taking this water off-season, paying a lower price for it after negotiating a price with the Government to pump it, and then storing it on their farms until 1 November when the deal stopped because that is when the summer period commenced. They had to take the water early and store it.

The grape growers who took that initiative are certainly reaping the dividends because we know that the year has been very dry, with a minimum run-off. Those who recharged their dams and aquifers are now enjoying huge dividends. I pay BIG the highest accolade, because its initiative has worked extremely well. There is no precedent for a measure such as this. The second stage is to secure a permanent source of water for the valley via this avenue from Mannum, part way through to Adelaide and then into the Warren Reservoir. They will use their own infrastructure, at a cost of millions of dollars, to distribute this unfiltered water to the vineyards. Currently, many vineyards are using filtered water, which is a waste because vines do not need filtered water. It is very expensive. Given the price of red grapes, growers can afford to use filtered tap water and they are doing so. Of course, domestic users in the region are now experiencing water shortages. During the heat wave, many people on high ground were without water. The Government has a problem: it must address this problem, and here is a way. It can give BIG a vehicle to bring in the unfiltered water from the other end of the valley via the Warren Reservoir for use on vineyards. We will then save the filtered water for domestic use, killing two birds with one stone. It will not cost the Government very much at all.

Today, I believe, we are involved in a second round of negotiations between the Government, SA Water and BIG via its committee. At the moment it is discussing the cost to pump the water from Mannum to the Warren Reservoir. Members must realise that they are not buying the water: they are just buying the capacity to pump the water from Mannum to the Warren Reservoir. The growers bought or will buy the allocation for water prior to this through the new tradable licences system, and they are purely paying the Government to get the water from the river at Mannum to the Warren Reservoir.

Without declaring too much, I understand that the growers were looking at a price of about 32¢ per kilolitre to pump that water, and the Government is talking about a higher price than that. I hope that it is in the mid to high 30s because, if it is any higher than that, the growers will not put millions of dollars of their own money into the infrastructure and they will continue to use the tap water. That is what concerns me. I hope that negotiations today have progressed to the stage at which we will see a breakthrough. If they can pull this off, the directors of BIG will then have to sell the concept to the growers and levy them all approximately $4 000 to $5 000 per hectare, and that is a lot of money to most people. It is millions of dollars—in fact, it is approximately $32 million in all. This industry is prepared to cough up $32 million to put in its own pipeline to water its vines. That is usually the role of Government.

I hope that the negotiators with SA Water will be flexible and realise that the industry is helping itself. If we can pull this off, it will ensure the future of the Barossa, not only with respect to the water but, most importantly, the quality of water. We do not speak too loudly about this and we have some concerns in the Barossa, because some of our underground water is deteriorating in quality, particularly through, dare I say it, salt. By mixing in river water we can keep the salinity levels low and maintain the quality, which is particularly important for the wines of super premium quality.

Salinity in water gives wine a soapy taste. We do not have that, we do not want it and we do not want our reputation sullied in anyway because we produce the world's best wines, particularly with the likes of Grange Hermitage. All vines need water at the critical stages of life, but Grange Hermitage and others do not get a lot of water because it is produced from dry land vineyards, which are lower yielding but of super high quality. The Grange vineyards come particularly from the Ebenezer area, which is not far from my office.

I hope that negotiations have advanced today, and I will make some inquiries tomorrow. I appreciate the efforts of Minister Armitage and the Premier, who is also involved, because it is a very 'big' decision. They are groundbreaking negotiations, and I only hope that we can decide in the next couple of days on a price for the conveyancing of this water. I hope it is 35¢ or 36¢, because then the BIG group can approach the growers, ask them to pay a levy of $4 000 or $5 000 per hectare and then collectively they will be able to build the infrastructure from the Warren Reservoir, with separate infrastructure down through the heart of the valley and all the areas so that it can be distributed to individual farms.

The future of the Barossa will then be secure, because we know that the Barossa's future is allied strictly to the availability of good water, and it is of great concern to us all. The Barossa is booming. It has never had a period of success like this. Today's negotiations are paramount to the Barossa, they are paramount to me as the local member and they are paramount to the economy of South Australia. I wish the negotiators all the best and I hope that we see a good result tomorrow.

Motion carried.

At 10.19 p.m. the House adjourned until Wednesday 10 March at 2 p.m.