HOUSE OF ASSEMBLY

Thursday 10 June 1999

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I move:

That Government business be postponed and resumed on motion.

For the information of the House, I advise that it looks as though the Electricity Corporations (Restructuring and Disposal) Bill will not be before us until at least after lunch, and it may even be late in the day. On agreement, this morning we have decided to go on with private members' business and standing committee reports.

Motion carried.

PUBLIC WORKS COMMITTEE: AUSTRALIAN ABORIGINAL CULTURE GALLERY

Mr LEWIS (Hammond): I move:

That the ninety-eighth report of the committee, on the Australian Aboriginal Culture Gallery—status report, be noted.

The Aboriginal Culture Gallery project came before the Public Works Committee in September 1998. The committee made a report to Parliament at that time, detailing a proposal to construct the gallery at the South Australian Museum at an estimated cost of $13.59 million. What we agreed to and approved then was a proposal which provided for the renovation of both the ground and first floors of the east wing of the South Australian Museum; the construction of a new entrance structure south of the existing Whale Gallery, as it was, and that has now gone in the course of the work that has been undertaken; and we further agreed to and recommended the relocation of the museum shop and cafe to the western side of the proposed new entrance.

In March this year, as a result of questions we asked with respect to earthquake strengthening in the building, Arts SA advised the committee of a change in the scope of the works to the original proposal for this development. That revised scope of works is very important and, in summary, does the following things. The committee was told that EQE International has undertaken a survey of Government buildings in or near the Adelaide central business district for the South Australian Government Insurance Corporation, which is the Government insurer or the underwriter of risk. That survey identified what the committee suspected when it made its inquiries that, whilst the east wing of the museum is a moderate seismic risk, the north wing, which was not the subject of the inquiry at the time we made our examinations, is a high seismic risk, that is, the north wing is dangerous if we leave it there.

High seismic risk is defined as a building which may experience severe structural damage during a major earthquake possibly leading to partial collapse and where projected damage levels could represent a life-safety hazard during and following an earthquake. In its final report, EQE International emphasised that detailed assessment would need to be undertaken to confirm its evaluation and determine remedial actions. As a consequence, in October, Wallbridge and Gilbert Consulting Engineers were engaged by the Department of Administrative and Information Services to provide more detailed advice on the earthquake risk for the east wing and north wing of the museum and to make recommendations of any upgrading required.

The committee was told that Wallbridge and Gilbert found the existing east wing building to be inadequate to resist a major earthquake and recommended that a full earthquake upgrade be undertaken in the east wing. Further, the committee was advised that, although the north wing of the museum represents a high seismic risk, it does not form part of the current development project. That is true: we understand that. It should be noted that the two buildings can be separated for the purposes of the earthquake upgrade. Therefore, based on this advice, which was supported by both DAIS and the South Australian Government Insurance Corporation, Cabinet has approved a full earthquake upgrade to be undertaken as part of the project.

The committee was told that the existing exhibitions on the upper levels, which were previously not affected by the redevelopment, will now have to be relocated and protected in the meanwhile as the building is strengthened in the course of the work to be undertaken. There will also be a need for some modifications to the design of the new exhibition to be mounted in the museum. It should be noted that the projects about which I speak will have both a cost and time implication for the project. In particular, if the February 2000 deadline is to be achieved, builders will need to work a six day week and have unimpeded access to the site. As a result, the South Australian Museum was closed to the general public during April. Signage has been erected facing North Terrace to advise members of the public about the Aboriginal Culture Gallery and the museum redevelopment and opening date.

The other matter, which the committee was told required the closure of the museum, has presented an opportunity to proceed with other works which were outside the original scope of the project, and they relate to fire protection, about which the committee is anxious but not excessively disturbed because it is not the most up to date but is seen as adequate. The previous project scope did not include the upgrading of the fire protection systems on the upper floors of the east wing. This upgrade will now also be undertaken, quite sensibly, because it is efficient to do it while the museum is unoccupied and whilst the area is cleared for the other construction work.

The committee was also told that levels 2 and 3 of the east wing are not currently air-conditioned and had not been included in the current tender submission. Air-conditioning, which will provide appropriate air quality for storage of the collection and improve conditions for visitors and the people who work there, will now also be undertaken. The committee sees no problem with that.

The committee is further told that the museum is now well advanced in its planning and the development of the exhibition, with exhibition managers having identified the need for an additional $414 000 to complete the exhibition. This cost will be met from within the existing budget of the portfolio.

In summary, the additional investigations undertaken by Arts SA, which was prompted by the committee's inquiry and initial report on the project into earthquake strengthening, has led to an expansion of the project scope to accommodate a significant upgrade for this important heritage building. The impact on the budget will now be $17 million, broken down as follows: the budget base—the original cost—was $13.5 million; the earthquake remediation will be a little over $1.5 million; the air-conditioning upgrade will be a little over

$500 000; the fire systems upgrade will be $350 000; the cost to meet the completion date by working the extended hours will be a little over $700 000; and, the increase in exhibition costs will be just over $400 000, giving us a revised cost of $17 million—$5 million more than previously assessed. Cabinet has approved all of the above changes to the project and approved the funding strategy required to meet these additional costs.

Notwithstanding the findings of the consultant that the north wing of the Museum represents a higher seismic risk, it does not form part of the current redevelopment project. As the foregoing observation of the committee does not affect the estimated impact on the budget, and in anticipation of a further proposal or explanation to address these matters being made to the committee, nonetheless after examination of the written evidence we have received and pursuant to section 12C of the Parliamentary Committees Act, we report to Parliament that it notes the change to the scope of the works for the Australian Aboriginal Culture Gallery project to the South Australian Museum and commends it to the House.

Ms THOMPSON (Reynell): In rising to support this motion relating to the Australian Aboriginal Culture Gallery I will make some remarks about the way in which the available advice that can be offered by the Public Works Committee is not always taken. The only reason that we are considering this report is because our Presiding Member was very persistent in asking questions about earthquake reliability. He does this on a regular basis and a number of Public Service agencies are now aware of the fact that they had better check out the seismic capacity of a building before they come to the Public Works Committee recommending that it be upgraded. They have worked out that it is no good putting on the bells and whistles and ignoring the value of the foundation. The only reason this message is getting around the public sector agencies is because our Presiding Member has been extremely persistent and extremely knowledgeable in relation to this matter.

The result of this is that we will have a solid east wing, together with a magnificent display of the Aboriginal artefacts that this State holds in trust. It will be both economically and culturally valuable, but if it were to be lost by a good shake we would all stand condemned. We still have to look at the issue of the north wing and the upgrade of that, but at least we have secured the safety of the east wing.

It has been a matter of some regret to me as a member of the Public Works Committee that some members of Executive Government do not seem to think they have any need to be accountable to this instrument of the Parliament—the Public Works Committee. During the brief time that I have been a member we have found the recommendation in relation to the Hindmarsh Soccer Stadium completely ignored in terms of the recommendation that these building works not proceed as we could not identify economic justification. We took the precautionary path of indicating some actions that should be taken in the event that the building works were to proceed. We wish to at least ensure that the title of the stadium was secure.

At the moment the people of South Australia are investing nearly $30 million into a property which belongs to the City of Charles Sturt. There is no security preventing the City of Charles Sturt disposing of this asset to anyone it wants. I thought I might have a go, if only I could raise more than tuppence halfpenny, because there has been no action that we can identify to follow the recommendations of the Public Works Committee after due consideration as to how the safety of the people's money could be secured.

In relation to the Playford school, we saw that the recommendations the committee made were proceeded with. I refer to the negotiations with the City of Playford. However, we still have recommendations outstanding relating to a consistent problem we identified when investigating this school, namely, the matter of car parking and drop-off areas close to schools. Our report contained a recommendation on that matter for a ministerial review of the policy, which causes a problem not only for the Public Works Committee but also, I am sure, for members of this House who have had representations on the issue. We are yet to hear the result of that review.

There are other matters where decisions of this House in relation to the reference of matters to the Public Works Committee appear to have had no action taken on the part of Executive Government. These relate to the Flinders Power Station upgrade, Memorial Drive, with the tennis club redevelopment, and a railway in the South-East. Fortunately the proponents of the Christies to Willunga Basin pipeline, which went ahead without the approval or scrutiny of the Public Works Committee, are bringing that matter before the committee in July and we will have the opportunity to review whether any matters of public interest should have been considered there.

People in Government are in a hurry to deliver. They are not always as conscious of the public interest as those of us who have to face the electorate on a daily basis. The Parliament is not in a position to look at matters of whether earthquake provisions or any other matter of public interest has been considered in major development works. An expert committee, which admittedly develops much of its expertise as it goes along, is in a position to provide scrutiny on behalf of the Parliament and the people. I urge that members of Executive Government, who have so far been slow in compliance with the decisions of this House, proceed to do so immediately. I cannot fail to mention the important matter of Pelican Point Power Station in that regard.

With respect to the Australian Aboriginal Culture Gallery, the Presiding Member has clearly outlined the benefits that will accrue to the people of South Australia by taking the action necessary to rectify the problems with the earthquake tolerance. Its unfortunate that the fact that this was not considered earlier in the piece has resulted in an important cultural asset of the State being closed for a prolonged period.

For those agencies that are not preparing thoroughly, this is an important message to remember. It is better to get it right before you come to the Public Works Committee than to have to go away and do it afterwards. It is not possible to identify how much additional cost the taxpayer has incurred as a result of this oversight. We might be able to be more clear on that a little later, but at the moment that matter is not clear. We cannot afford to waste time, money and cultural and tourism opportunities by oversights of this nature. I commend the report to the House.

Motion carried.

PUBLIC WORKS COMMITTEE: STRATHMONT CENTRE

Mr LEWIS (Hammond): I move:

That the ninety-ninth report of the committee, on the Strathmont Centre redevelopment—aged care facility—interim report, be noted.

This is an interim report on the proposed upgrade of the Strathmont Centre. The Department of Human Services has referred to the Public Works Committee this proposal to redevelop the Strathmont Centre at Oakden. The Strathmont Centre was opened in March 1971 under the aegis of the Intellectual Disability Services Council Incorporated for its day-to-day management. When you boil it all down, the proposed project will involve the construction of a new 50 place aged care facility at the Strathmont Centre for people with intellectual disabilities on a greenfields site in Dumfries Avenue, Northfield, not far from the existing facility. The estimated cost of the proposed new construction is $4.35 million.

The Department of Human Services, in partnership with the Intellectual Disability Services Council, proposes to construct this aged care facility for 50 people to be readily accessible from the Strathmont Centre, as it stands, which meets current standards. This proposal is designed to provide a redeveloped service delivery model for the Strathmont Centre which will address both aged care and disability services; to enhance the provision of accommodation standards that will ensure that Commonwealth nursing home licences are retained (otherwise they would be lost); and to facilitate an accelerated winding down of the current Strathmont Centre, which is structurally unsound.

The committee looked at this proposal in November 1998 having, first, taken evidence and inspected the site. During that process we became concerned about a number of issues relating to the proposed provision of an aged care facility for people with intellectual disabilities because these people are not only old but also have some impairment of mental capacity.

The first issue was whether such a facility was warranted and at what level it should be provided. A plea was put to us that it was most definitely warranted, but those people could not tell us how to define the categories. The second issue was whether the provision of such services complied with the existing framework (that is, Commonwealth and State disability legislation)—the committee was unable to be satisfied on that point. The third issue was the fact that some residents in the proposed facility would not be elderly. Finally, it was felt that use would not be made of other generic community services such as nursing homes, aged care providers and community based accommodation.

The committee points out that the proponents were either unable or unwilling to satisfactorily address the foregoing issues during the course of its inquiries. Given these concerns, the committee unanimously resolved in late December last year to engage the services of an expert independent consultant to thoroughly evaluate the proposal and to help us with our deliberations on that information. With your personal assent, Sir, in February 1999 we were able to engage that consultant, who was given the following terms of reference: first, to provide an analysis of evidence presented to the Public Works Committee regarding the project; secondly, to evaluate the proposed facility in relation to relevant existing legislation (both Commonwealth and State) and in the context of the three stage accommodation development plan proposed by the Intellectual Disability Services Council; and, thirdly, to interview relevant parties, as required, regarding the proposed facility. This should include parents with adult children living at Strathmont and also advocates for people with disabilities and elderly people with disabilities. Another term of reference was to make recommendations to the Public Works Committee regarding any future lines of inquiry and to attend as an expert witness at a meeting of the Public Works Committee regarding the proposed facility.

The committee wants the House to note that this consultancy, which was completed by 26 March, recommended against the proposed works. Consequently, the committee immediately requested the Department of Human Services to respond to the recommendations contained in the consultancy as a matter of urgency, because the members of the committee are compassionate and more than ever alert to the fact that an uncomfortable winter for many of the people living in the Strathmont Centre might otherwise be the result.

The structural integrity of many of the buildings has clearly been breached to the extent that the conditions would be very cold and unpleasant. There are ill-fitting windows, cracks in masonry walls through which you could push your fist without any problem, and similar inadequacies in sealing the outer building envelope against the discomforts so that the residents would suffer from the cold. However, the department advised the committee that it would require at least 16 weeks to adequately address the recommendations contained in the consultant's report to enable it to prepare an appropriate response.

We were amazed. Notwithstanding our amazement and dismay at the length of time that would take, we accepted it because we had no choice. The department is scheduled to reappear before the committee on 11 August. With some emphasis, I point out on behalf of the committee that it cannot deliberate one way or another on the efficacy of the proposed works until the proponents respond to the recommendations contained in the consultant's report.

It should be noted that a complete copy of the consultant's report was sent to the proponents on 9 April. The committee notes that the existing accommodation at the Strathmont Centre, due to a variety of factors to which I alluded earlier, is of a poor standard and in urgent need of maintenance. Accordingly, the committee states to the House that it sees no lawful reason why, in the meantime, the department cannot proceed with its basic essential maintenance program so as to provide for the comfort of the residents. We are not talking about a major rebuild of sections of wall—in the meantime, it could simply nail a piece of board over the wall and stuff the cavity with some suitable insulation material and adopt a similar approach to stop leaks in the roof and wherever else.

Accordingly, the committee finds that, pursuant to section 12C of the Parliamentary Committees Act, it is unable to endorse the proposed works or lodge its final report to the Parliament until such time as the proponents provide to the committee a response to the report of the consultancy which has recommended against the proposal to construct a new aged care facility at Strathmont.

The committee trusts that members of the general public who have relatives living in Strathmont will understand our concern to ensure their comfort this winter. We hope they will also understand that there are many people in the wider community who have identical disability conditions and mental incapacity of one kind or another who are not living in Strathmont but who might like to be. Accordingly, we ask those people who are expressing impatience to understand that our job is to ensure fairness and equity and that, moreover, the Parliament ought not be party to a proposal that discriminates arbitrarily between people who are unable to argue in support of fairness in respect of their needs. That is the reason why the committee has taken this approach.

When we understand what will be necessary, and the number of people to be accommodated over the ensuing decades as they unfold for the next 25 years or so, we will be able to come to an objective assessment of the need for and scope of the work and the adequacy of the facilities provided to meet the needs of the wider community of South Australia regarding the small number amongst us who suffer such unfortunate permanent disabilities but ought not suffer poor quality of life in consequence.

Ms THOMPSON (Reynell): There is widespread support in the committee for the course of action that has been taken. We recognise that what we have done is, to say the least, unusual. The department came before us with a proposal for the development of an aged care facility, and our inspection of the site at Strathmont indicated that there is an urgent need for works of some sort to be undertaken in relation to the residents the subject of this proposal.

The facilities in which they currently reside are simply not suitable. They are outdated, in a poor state of maintenance and are not designed in accordance with modern concepts of care. So the fact that the Strathmont Centre was looking to provide improved accommodation for these clients is to be totally commended. However, we became aware of concern within the wider community about the solution that Strathmont had arrived at.

As the Presiding Member has mentioned, there are many people in the wider community with disabilities similar to those of the residents in the units at Strathmont. We have to consider their care and their future as well as those of the residents. We are building a facility not to accommodate these people for just the next two to five years: we are building a facility with an expected life of 25 years, and we considered it incumbent on us to look at the best use of that facility over a long period of time.

We did not have the expertise within the committee to look at this important matter of social policy and legislative compliance, so we sought your assistance, Mr Speaker, in engaging a consultant, and we thank you for facilitating that study, because it was much needed to enable us to come to grips with the complex issues involved in this important but often disregarded area. The process of engaging consultants was itself not easy, and it did take us a little time to come up with a solution which we considered to be excellent in that we had not one consultant but four experts in the disability area looking at the best solution and the way in which the need for improved accommodation could and would comply with Federal and State disability legislation.

While this process was proceeding, we were aware that the relatives of those residing at Strathmont were becoming increasingly concerned. They could see the urgency of the need for improved accommodation for their relatives and were impatient with the delays. But we also had many representations from people in the wider community, not only people with disabilities themselves but those who were caring for them at home or in the community and also those with responsibilities, both legislative and executive, to people with disabilities. So we proceeded to pull together as much of it as we could and provide an opportunity for the wider community to comment on the consultants' report.

As the Presiding Member has indicated, we referred that to the proponent agency. That agency took the matter seriously and asked for 16 weeks to consider the full implications of the report. The report did convey new knowledge. It included an indication that the Commonwealth was prepared to be flexible in the way it considered the money it would provide in support of people with disabilities in the community. This had not previously been known. The understanding prior to the report was that there were bed licences and that was that, but the Commonwealth has indicated a preparedness to negotiate more flexible arrangements so that a wider range of people in the community who have disabilities can have their long-run needs attended to without the development of a facility which of itself shapes the nature of care that will be available in the future.

We have no doubt that there will be some people for whom a new type of institutional setting will be required, but there are many others who prefer to live in the community close to their family members, and Strathmont is somewhat distant from Reynella and Morphett Vale: I had great trouble finding it, as would many of the people in my area. I have discussed the issue with some of these people, and they are most concerned about the long-run provision of facilities being at Strathmont. They would prefer to see more cottage-style facilities throughout the community, more accessible to a wide number of people.

So, the purpose of our tabling this interim report is to enable the consultants' report to be more widely available for consideration by those with an interest, both short and long term, in the activities at Strathmont and in the best way the State can invest the small amount of money that it has available to meet the needs of people with severe and multiple disabilities within our community.

It was somewhat alarming to receive the report and learn that the consultants found that the proposed facility does not fit with the prevailing philosophies embedded in the legislation and standards for disability services; that it is designed to address the needs of a distinct group of residents who have been institutionalised all their lives; and that it does not equate to the type of service model that other people with disabilities are expecting to be able to access when they begin to age. Further, they indicated that the view of some parents was that the aged care facility was supported for this group of residents but that it would not be appropriate for their own relatives when they began to age in the long term. They noted the incongruence of residents' ages and the support levels required by the majority of people who, it is proposed, will move into the new facility.

Also, they note that this is not the only option available to this particular group of residents. They see it as a single, longstanding option to provide high level aged care to people with one disability type which does not fit within the planned continuum of aged care services for people with disabilities who are ageing. It would be established with the imagery and stigma of a purpose-built facility for people with one disability type. They saw that there was an inadequacy of consultation throughout the development of the proposal and that families and clients were not given adequate objective information with respect to alternative service models that are currently available. They considered that community integration was not encouraged by the proposal. They saw a genuine fear within the disability sector that, if there are finite numbers of licensed beds designated for people with disabilities, and that a greater number require access to it, that there would be few alternatives available to them, particularly if access to mainstream aged-care facilities is not available.

They expressed a concern that there was a possibility of litigation in the future if a range of aged care options were not open to people with disabilities who are ageing. They particularly noted the willingness of the Commonwealth

Department of Human Services and Health to look at alternative funding arrangements for this group of clients. They saw the willingness of both the Commonwealth Government and the aged care sector to explore collaborative pilots in the provision of services to people with disabilities who are ageing. The committee welcomed that input from the aged care sector as well as the disability sector.

As a result of tabling this report, a wide number of people with concerns about the provision of facilities for people with disabilities who are ageing will be able to comment from their experience.

Ms STEVENS secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: PILCHARDS

Mr VENNING (Schubert): I move:

That the thirty-third report of the committee, on the pilchard fishery, be noted.

The committee became interested in the pilchard fishery during its inquiry into aquaculture in South Australia when it learned about the importation of large numbers of frozen pilchards from places such as California, Japan and Peru. These pilchards are mainly imported to feed the caged southern blue fin tuna being fattened for export markets. This inquiry took place over a period of 12 months; 23 submissions were received and 11 witnesses appeared before the committee during this time. The committee was prepared to report to the Parliament on the pilchard fishery at the end of last year but the massive pilchard mortality event changed that expectation.

Subsequently, the committee decided to gather evidence on the causes and consequences of this fish kill, the size of which has never been previously recorded anywhere in the world. The committee was particularly concerned about the occurrence of a second pilchard mortality event in South Australian waters only three years after a similar episode. The committee was pleased to see a national approach to the second pilchard mortality event. The rapid formation of a joint pilchard scientific working group and its broad agenda addressing many aspects of the problem should achieve results. Adequate funding for this work must be ongoing to gain satisfactory outcomes.

As a result of its investigation into the pilchard mortalities, the committee has concluded that the importation of pilchards should be phased out. That is quite a strong recommendation. This, of course, would have to coincide with the availability of an alternative food source for the caged tuna. The committee is also aware that manufactured diets for the southern blue fin tuna are currently being developed and the committee would also like to see commercial trials of the use of these manufactured diets in the next tuna season in partnership with industry.

Mr Lewis: It is past time to do that.

Mr VENNING: I agree with the member for Hammond, absolutely. It has been talked about and I believe that we should up the ante and bring it on rather than its being delayed. In the meantime, appropriate quarantine measures should be in place for the importation of pilchards to reduce the risk to South Australian fishery resources. The South Australian pilchard fishery is managed by the pilchard fishery working group, but the committee does not believe that this group has been able to manage the fishery to the satisfaction of all stakeholders. The lack of a management plan for the fishery has not assisted the management process and the committee therefore believes that this should be given high priority.

The pilchard fishery has been formally managed for only a relatively short time, with the experimental fishery occurring for three years between 1994 and 1996. As little was known about the size of the pilchard stock, the annual quota was initially set at 3 500 tonnes. This quota was divided equally between the 14 participants in the fishery, giving them 250 tonnes each. To gain a more accurate assessment of the size of the pilchard stock, the South Australian Research and Development Institute (SARDI) began pilchard egg surveys. This method is used in other parts of the world to determine the quota for the following year.

The egg survey results led to a decision to increase the annual quota and decisions regarding the allocation of this additional quota aggravated the ongoing dispute within the industry. This situation is well known. As a consequence of taking evidence of these disputes, the committee believes that the role of the pilchard fishery working group should be limited to providing advice on the general management of the fishery rather than on quotas. In addition, and most importantly, the committee believes that any decisions about the allocation of additional quota should be made by the Minister for Primary Industries, and I cannot express that view strongly enough.

However, the committee believes that the original 14 pilchard fishers should be given priority in allocation of additional quota. The committee also believes that all pilchard fishers should hold a pilchard fisher's licence and should pay fees according to their quota allocation. The body of the report, in terms of the evidence taken, is quite strong in this matter and is also reflected, although not directly, in the recommendations. Members who are interested in this particular subject area need to read the body of the report to reflect upon the evidence that was given to the committee.

Any new participants in the fishery should abide by the same conditions and criteria as the existing participants. The committee endorses a conservative approach to setting the annual pilchard quota because so little is known about the role and importance of pilchards in the diet of other species, such as penguins and dolphins.

Mr Lewis: And humans.

Mr VENNING: And humans, as the member for Hammond says, quite correctly. The committee recommends research into the biological aspects of the pilchard fishery and into the dependence of other species on pilchards for their dietary needs. The committee is concerned about the long-term future of the pilchard fishery and recommends the investigation of alternative markets. The committee recommends that the value adding opportunity should be actively sought by the Department of Industry and Trade.

Mr Lewis: Hear, hear!

Mr VENNING: I note again the support of the member for Hammond. The different areas of this inquiry have stimulated considerable discussion within the committee. This has led to 10 recommendations. The committee looks forward to a positive response to those submissions. Certainly, I appreciate the cooperation extended to me by the Ministers involved, particularly the Minister for Primary Industries, the Deputy Premier (Hon. Rob Kerin). I take this opportunity to thank all those people who have contributed to the inquiry, particularly the members of the committee. Our committee enjoys, in the most part, a very cooperative effort and it is certainly a pleasure to be its Chair.

I also thank the staff of our committee who worked hard in putting this report together, particularly Mr Bill Sotiropoulos, who actually left the committee this week, as well as our research officer, Heather Hill. The matter of committee staffing has been a topic of discussion for some time—and I note the presence here of Chairs of other committees. As Chair of one of Parliament's most senior statutory committees, I would like to put my feelings on the record. Over the years we have been blessed with excellent staff. As these positions are not permanent, we often lose those staff, usually within two years. Our committee investigates complex and detailed subjects such as this one. When we start a complex subject area containing much detail which members have difficulty grappling with, our responsibilities sometimes wear heavily on our shoulders. On such occasions we rely on staff to get it right, and we rely on research officers to do the work. When they are taken away whilst in the middle of a report—and some of our reports can last four or five months—it makes it very difficult.

I was appointed as Chair of the committee three years ago, and I have been on the committee for five years. We had a difficult period when we lost two excellent staff members. They were lost through the effluxion of time; they were not offered permanency so we lost both of them. Our committee went through 12 months of uncertainty when our performance could only be rated as ordinary. We went through a time when we had to battle. We have now been blessed with good staff. As Chair of the committee I believe that it is the responsibility of the committee to offer positions for at least a term of Parliament, that is, until the next election. Elections certainly change things and, as presiding officers change so, too, perhaps the staff.

I enjoy being on and am honoured to chair the ERD Committee. I have seen great disruption in the five years I have been on it. I have served the committee, and I have enjoyed my work there, especially since my appointment as Chairman three years ago. I commend members of the committee. They enjoy their work on the committee. I appreciate the apolitical approach of members, and we are blessed with having all Parties in this Parliament represented on this committee. It is often a challenge to be in the Chair, but committee members make it reasonably easy. I thank them very much, and I would like to thank those who have worked diligently to complete this report.

Ms KEY (Hanson): I support our Presiding Member's comments both on the inquiry that we had into pilchards and about resourcing of the committee. As the member for Schubert has said, we enjoy a lot of cooperation on our committee, and we have managed to achieve a number of good reports with recommendations that are realistic, timely and also of use to Parliament.

In looking at the pilchard fishery inquiry, I have to confess that my knowledge of pilchards at the start of the inquiry was really limited to what I had read about the pilchard kill in an article in *New Scientist*—coincidentally rather than deliberately—and to minding other people's cats from time to time, as I do not have a cat of my own, when I noticed that pilchards in aspic were particularly popular with cats. That was about the extent of knowledge I had in this area.

As the Presiding Member has said, we have spent a year talking about pilchards, receiving information about pilchards and actually following up on information to do with both caged tuna and pilchards as a source of food. Yesterday, I went into the Jam Factory, and I saw the mobiles that are shaped into the image of pilchards. So I think the pilchard icon will be there for quite some time. These attractive mobiles were made by a local artist, and maybe the Chair of the committee might be interested in looking at them.

In relation to the inquiry, there was some joke about the second pilchard kill. Many people said that it was all the fault of Rex Hunt, that his habit of kissing fish had made sure that the pilchards caught a herpes virus. Although there was much laughter about that aspect of the pilchard kill, it brought home the very serious problem that we had with our research, namely, that basically people did not know why those pilchards had perished in two huge kills. As the Presiding Member has said, the second kill is recorded as the biggest kill ever in the world, and we did not have a lot of information regarding that. At the start our inquiry, witnesses did not have very much information, so the actual pilchard inquiry evolved over the year. As I said, anything we wanted to know about pilchards seemed to be at our disposal during that inquiry.

What it identified for me is that, unbeknown to me, there are a lot of politics in fishing and there were many different interest groups. The honourable member is laughing, and I know that in some electorates this would be very obvious to members. However, as a person who enjoyed fishing with her father, I did not realise the industry implications, the politics in the tuna industry and the supply of food for tuna fish.

The other matter that became staggeringly obvious to me during the inquiry was the lack of resources for research and development in the industry. I receive, as other members in this House probably do, pamphlets, magazines, media releases and bulletins about the fishing industry, and I thank those organisations for sending me information about what is happening in a very important industry in South Australia.

Because of my interest, I was more attuned to the information I had received against tuna farming. A lot of the environmental groups and Greenies, as we call them, had made it their business to make sure that I, as a local Labor member of Parliament, was aware of the arguments that organisations such as the Conservation Council would put up about tuna fishing. The pilchard and aquaculture inquiries made me aware of some of the other arguments that need to be looked at, some of the other needs of the State with regard to industry development, and the need for further research into resources in this area—a very important area for South Australia.

The Presiding Member has summarised our recommendations. The committee took a lot of time to work out how we would present some of the information that we had received over the past year, and how we would deal with the concerns that had been raised by the many witnesses, and I must say that some very passionate and fiery witnesses came before the committee. The Environment, Resources and Development Committee has done its best to represent in a fair way the needs of industry, and it was done on a consensual basis, I might add, which I am proud of, as is the Presiding Member. I hope that Parliament and the Minister responsible will take notice of our recommendations, and I look forward to the Minister's response to the carefully thought out and very deliberate views that the committee has put forward. I commend both the committee report and the recommendations to Parliament.

Mr LEWIS (Hammond): I do not intend to take a cheap shot about the source of the virus and I do not think the member for Hanson did either. Indeed, the reason why people

made fun of it is that the source of the herpes type virus that caused the kills to which this report addresses itself is not known: it is something that we as a community in South Australia ought to address ourselves more effectively. It is worth millions upon tens of millions of dollars to this State to get it right. There are other issues related to the presence of pilchards in our waters that members have alluded to in the course of their remarks this morning, that is, the Presiding Member of the committee and the member for Hanson.

However, I believe it is grossly irresponsible for us to continue to exploit that species without understanding the epidemiology of this disease, which results in an almost complete wipe-out. It is like a plague and it spreads methodically through the waters in which the pilchard is endemic. It takes the population down to the point where it is almost gone. It is like the other species that come and go in great numbers in other parts of the biosphere, such as quelea in Africa (a bird), lemmings in the northern hemisphere or, more familiar to all of us, mice, rats and rabbits. I do not suggest that pilchards are rodents: they are members of the sardine family, and they come and go according to these impacts upon them. Such species will be affected by the prevalence of predators, the adequacy or otherwise of their food and the impact of this kind of disease. I say it is irresponsible to continue to exploit the fishery without attempting to discover in a very serious way the epidemiology of this virus, if that is what it is.

It is understood to cause death but the vector of the virus and why it happens is not understood. Because the fishery is worth so much money, in my judgment the way the licences are allocated ought to be changed to require the licensees to make a far greater contribution to the research necessary to ensure that the exploitation of the fishery is sustainable in perpetuity. We are absolutely dopey if we think it is our right to take it just because it is there and to make no investigation of the consequences of doing so, or to make no investigation of the biology of the species and the epidemiology of various types of its pathology.

For the life of me, I cannot imagine why we do not stop issuing those licences in perpetuity, but have them tenured. It is the same as water licences, in my opinion: they ought to be issued for a term of, say, five or eight years and it ought to be open to bidding, perhaps by tender, for each 100 tonnes or 1 000 tonnes, or whatever unit we want to use. I suggest 100 tonnes in this case so that it is not too small as to be insignificant and not too big as to prevent other players from making a bid and entering the market. It ought to be for a sufficient period of time to enable the capital to be returned.

As it stands at the moment, the Government issues a licence for an annual fee that is really peanuts in relation to the profits that can be made from it. It is really a licence to print money. The people who take that licence can walk out the door from the Government agency that gives it to them, then hold it up and offer it for sale at a huge capital gain, and they have done nothing except to go before the issuing authority. I agree with the Presiding Member and the committee when they say that the manner in which the licences are issued needs to be changed, and changed quickly. The authority that issues them ought to be revisited, and certainly it has to be the Minister who finally has that responsibility.

I now refer to the practice of using that single species to feed tuna. We discovered bluefin tuna 50 years ago as a commercial species when the *Fair Tuna* and the *Tarcoma* began fishing out of Port Lincoln: the tuna were there in large numbers. We would catch them and stuff them in cans and sell them for $1, or the equivalent in those days of a few shillings a kilo. In my judgment that was always improper. It was excellent food but it was not popular although, because it was so cheap, people bought it and ate it. Our family was one of those and we had a treat of tuna from a can once in a while.

We ought to be feeding tuna a balanced ration rather than pilchards. If you feed a milking cow or a calf you are fattening simply on the grass you saw it eating the day you discovered it, as tuna fishermen saw the tuna feeding on the pilchards in the Great Australian Bight, and if you feed it on nothing else, you are assuming that is all it eats. You are wrong, because cows eat a variety of grasses and other foods throughout the year. Feeding tuna on pilchards results in less than the best quality flesh growing on the fish and that means that it is of lower value. It does not have the range of vitamins in it and, once you freeze it, you destroy some of the vitamins. That, too, contributes to the colour and quality of the flesh. We need a balanced ration. The money that has been spent has been inadequate and what has been spent has produced results that have been ignored.

The tuna fishermen say, 'We fed them on pilchards last week and they lived and grew, and we sold them and we made money. Why would we change? There is a risk if we change that there might be some disease in the ration or there might be some adverse consequence for their bones, their flesh or whatever.' Good science was used in the department's work to research that but the tuna farmers still do not accept it. That is silly. I agree with the committee and its Presiding Member that the sooner they use a balanced ration that contains all the essential vitamins that are lost when pilchards are frozen anyway—and the pilchard is not the be all and end all of what tuna live on—and the sooner we research it, the better.

We will get more value for our money and then we can use the pilchards that are available to us, once we understand them, for human consumption because, after all, they are part of the sardine family and they are extremely valuable. The world is short of protein of all kinds, particularly fish protein, which is good for your brain and better for your arteries and your heart. We ought not to be simply using them for feed stock for another fish species. It is like feeding pigs on strawberries, avocadoes, and witlof: we would have to be mad. We give pigs a balanced ration, just as we give beef which we are fattening in beef lots a balanced ration and we give dairy cows a balanced ration when they are in the bale being milked, and we ought to be giving tuna a balanced ration. It is primitive in the extreme to be using one species to feed another.

As the Presiding Member of another committee I want to support the remarks made in the course of the proposition put on behalf of the committee by the Presiding Member. I believe that we need a meeting with you, Sir, to discuss matters relating to how our staff are recruited and appointed to work with the various committees of the Parliament and other matters. This is an important part of the Parliament. It does not serve the interest of the Parties necessarily either way, but it is most important in the public interest. Parliament itself has a responsibility and it is only through the Parliament that the imprimatur of appropriate authority can be given to Executive Government if there is to be confidence in the wider public mind about the decisions taken by Executive Government—that they are within the framework of accountable democracy. I support strongly the remarks made by the

member for Hanson and the committee's Presiding Member about that.

Motion carried.

PUBLIC WORKS COMMITTEE: MOTOROLA

Adjourned debate on motion of Mr Lewis:

That the ninety-seventh report of the committee, on Motorola Stage 3—extension to software centre—Technology Park, be noted.

(Continued from 2 June. Page 1564.)

Mr LEWIS (Hammond): The time had expired on the last occasion we were considering this matter. I had pointed out to the House that there are to be around about 25 to 40 people undertaking study and training in the first full year and 25 people a year thereafter in the software applications professions and work. In addition, the committee also noted that, in an effort to further assist the development of high technology as part of the work force in South Australia, Motorola staff members have become actively involved as a deliberate policy in the advanced technology advisory boards within the universities here. They have arranged for overseas technologists to also assist the universities in defining their direction on future technology subjects.

That does not mean that we are not up to the mark in those areas where we are currently involved; it just means that we accept the fact that it is a good idea to keep in touch with the rest of the world and to make sure that our courses are ahead of, or at least equal to, the best of the rest of the world. Moreover, the committee considers that Motorola's commitment to expand this level of involvement in education, training and research in the general field of information technology and telecommunications can be expected to provide considerable ongoing benefits to the South Australian community. It is a new industry, and one that will fit in with our claims, quite properly made, to be a smart society—indeed, a smart State; a clever part of a clever country.

The committee is pleased to note that the landscaping of the proposed works includes the incorporation of natural swales for the disposal of surface run off water from paved areas. This will reduce the incidence of suspended solids, wherever possible, getting into the open stormwater drainage system prior to it leaving the ground upon which it falls. That water, of course, feeds into the Mawson Lakes development, and the less sediment those lakes receive from run off, the better. The committee made a particular point of addressing this apparently insignificant, incidental issue, because we see a very important wider application of such principles in urban design that are not addressed by a householder, who looks for what is inside the walls and in the immediately surrounding garden area, perhaps. They are not addressed, either, by the buyer, the builder or the owner of a large office building, because large office buildings are owned by people who want to get tenants in them or put their own staff in them and use them for that purpose. They are not addressed, either, by local government, whose duty it is to simply connect the stormwater drains to get rid of run off water. We have always treated the run off water as a nuisance because it formed puddles and potholes.

In drawing attention to this fact, the committee is saying that it is not good enough to treat stormwater—heavy downpours of rain—as a problem, when it could be treated as a resource and, more particularly, to use a conventional engineering or technological fix, because that merely passes a problem further on down the line. The sediments are there: some of them are probably toxic—they certainly contain nutrients. Secondly, it compounds the problem, because once those materials reach the sea they will cause damage, as they have done up and down our coastline, such as the Noarlunga reef sediments, and such as the effects closer to our foreshore in Adelaide along the older western suburbs, where ribbon grass, as part of the seagrass meadow, has been wiped out over large areas. We have to do better, and the committee is looking at ways in which we can do better.

Instead of just relying upon hard concrete paving to carry the water away as quickly as possible, and create problems downstream such as flooding and the kind of problems we have had in the Patawalonga, we believe that we ought to be using things such as inverted ridge cap tile type design kerbing, which has cleats and holes in it that will enable the water to soak into the ground where it has fallen and not run away and create a problem elsewhere. Not only will this stop the rate of runoff, enabling sedimentation to occur *in situ* (where the water falls), but it will also keep the underground surface water table replenished, so that we can grow appropriate species in situations nearby—and by 'nearby' I do not mean so close as to destroy the kerbing once the plants get a little bigger, with the heaving that their roots will cause. The committee draws all these matters to the attention of the House.

Ms THOMPSON secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: ADELAIDE FESTIVAL CENTRE

Adjourned debate on motion of Mr Lewis:

That the ninety-third report of the committee, on the Adelaide Festival Centre upgrade—Stage 2—asbestos management/removal—airconditioning, be noted.

(Continued from 26 May. Page 1411.)

Ms THOMPSON (Reynell): When I last spoke on this matter, I pointed to the dangerous properties of asbestos and commended the persistence of those who have ensured that we take the matter seriously but without panic. Over the many years of its existence, the Adelaide Festival Centre has not ignored the problem of asbestos. During the 1980s it undertook a comprehensive program of identification and removal of asbestos, where appropriate, and placed the rest of the known asbestos on a register. The fact that, in 1998 and 1999, we discover that there is still a serious problem has two causes, in my view. One is that technology has been developed that now enables us to look in places such as airconditioning ducts, where previously we were not able to do so.

However, the other, more serious, problem relates to accountability of consultants and contractors. Consultants were engaged during the 1980s to identify the asbestos in the Adelaide Festival Centre, and contractors were engaged to remove it safely, without disturbing anything that was not necessary and without exposing the workers and the public to any risk as a result of their removal activities.

However, when the latest asbestos audit was undertaken, asbestos was identified in such seemingly obvious places as the below stage level electrical workshop; below stage level lift machine room; the stage area downpipes; the void below the first balcony; the distribution board no. 8 cupboard on the first balcony; and many more, all these places being seemingly easily accessible to anyone searching for asbestos and not

reliant on modern technology with cameras creeping around corners to see what was there. The fact that previous consultants and contractors did not identify this severe problem, which has left a potential risk to workers and patrons and which has caused us now to come up with considerable funds to address, is a matter of serious concern to me.

It is especially of concern at a time when we are increasingly using consultants and contractors to undertake work previously done by our own experts on our own staff in the Public Service, who are accountable for their actions. It is frequently said that public servants just stay there forever with no accountability, but the 30 years of my experience indicates that this is simply not true. The best that happens to you is that you do not get promoted and that you remain in whatever position you held for the rest of a long career.

An honourable member interjecting:

The SPEAKER: Order! Minister, I know you are on the telephone, but your voice is dominating the whole House.

Ms THOMPSON: This punishment of staying where you are forever is something widely recognised in the Public Service and something that the Minister in his previous position as a public servant I am sure was not at all seeking; he, like most other public servants, would have sought promotion. The fact that he chose to get that promotion outside the Public Service is not unusual, but if you are looking for a Public Service career you will be very careful about the advice that you give. Contractors and consultants have their reputation to maintain and, therefore, want to give good advice. However, the problem that we face now is that they are usually not around by the time some of the deficiencies in their advice are identified, although sometimes they are.

On the Public Works Committee we are beginning to see instances where the agencies seem to be less than satisfied with the work undertaken by consultants but do not feel as though they are in a position to do anything about it. I hope that situation changes fairly soon, because we are spending a lot of money on consultants and contractors and we want to get better advice from them than that which was obtained in relation to the asbestos in the Adelaide Festival Centre. We must look at the issues of long-run accountability of consultants and contractors. It is very easy now, with the fluidity in the consultants market and their ability (even if they were operating still) to assume another identity, so the cost of accountability is extremely high and Governments are therefore not willing to take this on. But we cannot allow that situation to continue. We must develop processes for making consultants accountable in the short run and in the long run.

We must develop evaluation processes and look at what is happening in other States of Australia to see how they are managing the issue of contracting out of Government services. At the moment there is no evidence that we are doing this, and I express my deep concern over this matter of Government probity. However, in relation to the Adelaide Festival Centre, we hope that the asbestos issue can now be put to rest and that all the asbestos has now been identified. We have what appears to be very complete documentation by the current consultants, and the committee insisted on seeing much more of that documentation than was originally offered, in order to satisfy ourselves further about the adequacy of the report.

But we are not always in a position to know, and we require people with more relevant expertise to be able to make these judgments, to ensure that all the taxpayers' money is being spent effectively, both on consultants' reports and on the work subsequently undertaken. With those remarks about the need to ensure accountability, I indicate my support for the urgent work that was involved in the removal of asbestos from Adelaide Festival Centre. It is proceeding now and I have not heard anything that indicates there are problems, so we expect that all is going smoothly.

Ms STEVENS (Elizabeth): I wish to add my support for the committee's report. As has been said previously, the Adelaide Festival Centre, a building of the early 1970s, suffered under the practice that was standard at that time in relation to the extensive use of asbestos throughout its construction. As the member for Reynell noted, in the late 1980s an asbestos removal program was initiated, and this removed a quantity of friable asbestos from the building. According to the law, a register of residual asbestos was created, and it was not until September 1997 when the stage 1 upgrade of the master plan was being undertaken that unregistered asbestos was found. The comments of the member for Reynell in relation to the consultants' reports that seemingly missed these extra deposits of asbestos are worth considering, since it is a concern that this happened. However, we were faced with the fact that more asbestos was found and it was dangerous for it to remain there, and it needed to be removed as quickly as possible.

In relation to this program the risk management issues were interesting, because they involved three major categories of risk. First, there was the risk to the community, the performers and the staff of the Adelaide Festival Centre because of the health issues surrounding asbestos. It was pointed out to the committee that there are three main areas of concern to health from exposure to asbestos. They are, first, asbestosis, which is generally not a risk from low level non-occupational exposures; secondly, lung cancer, where the risk is much greater in smokers (asbestos exposure and smoking are synergistic and, in combination, the risk of lung cancer is increased significantly); and, finally, mesothelioma, which is the disease of most importance in the context of the Adelaide Festival Centre Trust.

As members may know, mesothelioma is a highly malignant tumour affecting the lining of the chest wall, which is usually fatal within two years of diagnosis. The only known cause of this disease is asbestos exposure and, most concerning of all in terms of the committee's work on this project, while the frequency of exposure increases the risk it is believed that mesothelioma may result from a single exposure to asbestos. Evidence was given to us that the trust was meeting all its legislative requirements for air monitoring of asbestos fibres and that to date, when we were given the evidence, no airborne asbestos fibres had been detected. However, it was very clear that this was not a situation that should be allowed to linger any longer than necessary.

The second category of risk was financial risk. During the evidence we were told that asbestos in the air-conditioning ducts increased the risk of unscheduled closures of the Festival Theatre if airborne asbestos were to be detected. That was quite a significant effect. The potential revenue loss is interesting to consider. If the centre had been closed for one night, the potential revenue loss was $63 968; if it was closed for a week, it was $383 808; and if it was closed for six weeks, it was $2 302 848.

Mr Lewis: Quite a jump.

Ms STEVENS: Yes. In addition, there would be a loss of car parking, catering and other revenues and, further, the revenue of the State Theatre Company might be affected.

Whilst the foregoing figures represent a loss of revenue, the centre would need to keep paying permanent staff and other contracts in the event of closure. That was a significant category of risk, as well.

The third category was legal risk. The Adelaide Festival Centre leases its venue to a range of companies, including commercial promoters and presenters. Any company suffering a loss in revenue as a result of changes to venue availability or public and staff safety may seek to recover that revenue direct from the Adelaide Festival Centre and the Government. It was a serious situation that had health, financial and legal aspects to it, in terms of the risk, and it needed to be fixed immediately and it needed to fit in with the very busy schedule of the Adelaide Festival Theatre.

I pay tribute to those in our community whose job it is to be the watchdogs on asbestos. I mention Mr Jack Watkins in particular, a member of the Government's Asbestos Advisory Committee. I would say that Jack is the most ferocious watchdog on asbestos that I have come across, and I congratulate him on that because it is something on which we can never relax our guard. I understand that, following the report's tabling on 25 March 1999, the project commenced immediately we gave approval. I also understand that all major works have now been completed and that only some minor works remain. We can be sure that, at least to this point, we have got on top of this and we have a safe theatre for patrons, performers and staff.

Ms KEY (Hanson): I speak on this motion because I believe that the Public Works Committee has done an excellent job in this inquiry and I congratulate its members for proceeding with a very difficult issue. There are two points that I would like to raise. On 16 March I asked the Minister for Government Enterprises, who is responsible for this area, whether there is a register of State owned or leased buildings that contain asbestos and, if so, whether he would be able to provide a copy. I also asked him what the asbestos removal estimates are for 1999-2000 and 2000-1, and which buildings are affected. Although those questions were asked on 16 March, I have still not received a response from the Minister.

Questions have also been asked in the other place about workers who might have been exposed to asbestos through their work and, in particular, I refer to all the depots and the main office of the Electricity Trust of South Australia. Again, I do not believe that that question has been answered adequately or that any attempt has been made to look at this serious issue, given that Parliament is discussing the future of ETSA and the State's power supply. I raise those issues because they are relevant to today's debate.

It is admirable that the Public Works Committee looked at the Adelaide Festival Centre, but I do not believe that Parliament has adequately addressed the call from the asbestos committee and, in particular, the hard working Jack Watkins and John Keeley who are members of that committee, with respect to either of those public areas. So I urge the Minister, if he is serious about this issue—and he tells us that he believes in occupational health and safety and prevention, and I believe that he does hold those very strong views—to come up with the goods on the whole issue of asbestos.

Quite frankly, having worked with Jack Watkins for a number of years at the Trades and Labor Council, I know that, if it were not for him and the people on the Asbestos Advisory Committee, we would probably have very little information about asbestos in this State and very little would have been done. It is a shame that, regardless of which Government is in power and regardless of who is the Minister responsible, we have to rely on the hard work of a number of trade union people, particularly Jack Watkins, to make sure that these issues are addressed.

Mr LEWIS (Hammond): I thank members for their contribution and the acknowledgments that have been given most recently by the member for Hanson of the work that was done by Jack Watkins. Regardless of what anybody might think of Jack's style, no-one can doubt his sincerity and, equally, his willingness to ferret out facts. Pursuing an issue with passion and arguing eloquently for the position one takes does not necessarily mean that one is right but, in Jack's case, he always sought to discover any scientific evidence at all that would point to the truth of the problem as he saw it, and he would not deny on the other side of the argument anything that was advanced to the contrary view. He would always seek to answer that, and I respect him for that. On such matters of controversy, we all need to remember that it is not just a matter of what we want to believe that is important but whether or not it is backed up by factual information, that is, whether our opinions are based on good science.

In concluding the debate on this matter, I again draw attention to the structural soundness or otherwise of the car park, which was the last subject of the committee's report. Even though the Department of Administrative and Information Services and the CEO of the Adelaide Festival Centre Trust have said that there is nothing to worry about and nothing wrong, what we seek is for the Minister to stand up and say that it is absolutely safe, or not safe. When I go in there with a torch and I look at the concrete, I see the appearance of salts that are being dislodged by the movement of water through the cracks in the concrete and I see stains appearing in that cracked surface which are stains of rust—iron oxide—that is obviously coming from reinforcing beams within the concrete.

If that is happening, then some deterioration is occurring within the concrete, and the fact that shards are flaking off that concrete tells me that there are pressures inside it which are greater than its ability to withstand those pressures. The concrete is giving away in some measure. The Minister must satisfy all of us that we are not simply ignoring a problem that we hope will go away and that indeed there is no problem, and that the Minister is prepared to put his imprimatur on such a statement. I know that, if the Minister cannot and will not do that, something is wrong.

Motion carried.

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Adjourned debate on motion of Mr Atkinson:

That the second reading of the Constitution (Citizenship) Amendment Bill be rescinded owing to the Bill being an amendment to the constitution of the House of Assembly and the Legislative Council and failing to gain the concurrence of an absolute majority of the whole number of the members of the House on its second reading on Thursday, 4 March 1999, as required by section 8 of the Constitution Act 1934.

(Continued from 3 June. Page 1609.)

Mr SCALZI (Hartley): Thank you, Mr Speaker.

Mr Atkinson interjecting:

Mr SCALZI: I do not have to read out anybody's notes. As I was concluding in the debate previously, this is not an

issue about the make-up with respect to the constitution because, if it were, the member for Spence would have a case. It does not refer to the make-up of the House in this Chamber or another place. In reality, the 'constitution' is referred to in the general sense and, as such, I respect the rulings of the Speaker and the President in another place that the member for Spence has no case. I would urge all members to oppose the motion.

As I stated in my last contribution, the Bill was legitimately voted on in its first, second and third reading stages in this place, and it is now before the other Chamber. In referring to the Constitution (Citizenship) Amendment Bill, because it is important to refer to that, the argument supported by the member for Spence in this House was lost. The political debate has been settled. The community knows that it has passed through this House, and the member for Spence can go on as much as he wishes, but the reality is that he is being mischievous.

This is not a Barton Road. Yet the member for Spence, in his usual manner, is trying to turn this into a Barton Road. Well, what is at stake is not the fancy opening of a road as the member for Spence would wish, but it is the endangering of the cohesiveness of the multicultural community. The member for Spence can write to as many constituents as he wishes—and he has a letter addressed to the Greeks, the Polish, and the Vietnamese, which starts off, for example, 'Polish born discriminated against', but the Polish born do not know that there is a similar letter to the Greeks, the Croatians and so on.

The member for Spence has really gone down to the gutter on this issue. To address members of the Australian Croatian community and stir them up is really not in the best interests of the cohesiveness of this community.

Mr Atkinson interjecting:

Mr SCALZI: No, I did not introduce this Bill in my best interest: I introduced it because I believed in it. It is consistent with the Federal position and it is consistent with multiculturalism.

Mr ATKINSON: On a point of order, Sir, the motion before the House is about recision. The member for Hartley is addressing the substance of the principal Bill, not the motion, which is one of recision.

The DEPUTY SPEAKER: I regret that the Chair was not taking note of what the member was saying. I would ask the member to take into consideration the point that has been raised.

Mr SCALZI: Thank you, Mr Deputy Speaker. As I was saying earlier, it does not refer to the constitution in the make-up sense, and therefore the honourable member's motion should be opposed.

Ms Hurley: Make-up?

Mr SCALZI: Make-up of the constitution, for the benefit of the Deputy Leader. In conclusion, on 5 May 1994, with respect to this very clause that my Bill restores, the member for Spence did not call for an absolute majority. It is quite hypocritical that, now it affects the Leader of the Opposition and a few other members, all of a sudden the Constitution Act comes into play, and unfortunately they have misinterpreted the meaning of the Constitution Act. Voltaire said, 'Nationalism is the last refuge of a scoundrel.' I believe that the campaign by the member for Spence is not in the interests of true multiculturalism.

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

Mr HANNA (Mitchell): I support the motion and I have particular comments to make about some of the legal precedents on this matter. Members are here to debate whether or not an absolute majority is required to pass the member for Hartley's Bill amending the constitution. The Bill was passed by this House but not by an absolute majority of its members. Section 8 of the Constitution Act of South Australia requires that an absolute majority be obtained if the constitution of the House of Assembly is to be altered.

Of course, that refers to 'constitution' in lower case, that is, it refers to the composition of the House of Assembly. I refer to a very good example of an attempt to alter the composition of a House of Parliament in England in 1641. It is a particularly good example because it has all the characteristics of the measure being brought to us by the member for Hartley. Members will recall, as a matter of English history, that there were—

Mr Lewis: I was not there.

Mr HANNA: I think only the member for Hammond was there but the rest of us in this place are more recent.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr HANNA: The House of Commons then had a majority who were opposed to King Charles I. Among the supporters of King Charles I were the bishops, generally speaking, of the established Church of England. It so happened that, after a fairly prolific appointment of peers by James I and his successor Charles I in the first half of the seventeenth century, there were about 120 members of the House of Lords at the relevant time, 24 of whom were bishops and two of whom were archbishops. To minimise the influence of the King in the House of Lords, the House of Commons passed a Bill which said that bishops had no right to sit in the House of Lords.

Quite simply, the House of Commons' Bill for the exclusion of bishops was intended to alter the balance of numbers in the House of Lords. In other words, a particular class of people were singled out as being incapable of holding their seats or of obtaining seats in a Chamber of Parliament, and that is what Mr Scalzi's Bill does. That is what the member for Hartley seeks to do by introducing this Bill. He says that if you come from another country and you hold a passport from another country, or even if you are citizen by virtue of your parents or grandparents, you will not be able to take your seat in this House unless you have taken certain steps to relinquish your citizenship from another country—not unless you have renounced your connection with the country of your ancestors.

I can tell the member for Hartley that that is very offensive to many people who come to this country and who are proud Australians, yet are also proud of their heritage from an Asian country, from Greece, Italy or Ireland. In addition, many people are citizens of the country of their ancestors by virtue of that country's laws, yet these people are not even familiar with the intricacies of the citizenship laws of those countries—countries in which they may have never lived, countries which they may never have visited. And so people may be rejected from coming into this place, the Parliament of South Australia, by virtue only of a foreign law of which they may have no knowledge, and that is utterly unjust. It is undemocratic and it is an insult to the people who have come to make up Australia from other countries, and I include English people as well as people from—

The DEPUTY SPEAKER: Order! There is a point of order. The member for Hammond.

Mr LEWIS: The honourable member is now canvassing material which the Opposition, just a few minutes ago, claimed was not part of the proposition before the House but addressing the substance of the original debate in the Bill. If we are to be consistent about that, the honourable member needs to come back to whether or not it is appropriate to rescind.

The DEPUTY SPEAKER: Order! I ask the honourable member to come back to the point and I provide the same advice as I did at the time when the member for Spence brought the same point of order.

Mr HANNA: I understand your ruling, Sir, and I will continue. The best description I could find of the Exclusion of Bishops Bill was in a book by Gardiner entitled *Fall of the Monarchy of Charles I*, and the member for Hartley can read page 278 in Volume 2 at his leisure. Clearly, the objection to the Exclusion of Bishops Bill was based on the fact that it affected the constitution of the House of Lords. I am not talking about the constitution written down on a bit of paper: I am talking about the composition of the House of Lords. That is what it did, and it was offensive. History shows that the Bill was eventually passed after armed forces had prevented the bishops from taking their seats properly in the Parliament. Let us hope it does not come to that here.

I also refer to a couple of key Australian cases. In another place the member for Spence, the shadow Attorney-General, was dealt with in a very unfair manner by a member of that other place, who said that the High Court case in 1981 of *Western Australia v Wilsmore* directly contradicted the point being made by the member for Spence. That is just not true and it was very unfair of a lawyer in the other place, a very senior lawyer, to condemn and insult the member for Spence on the basis of this decision when in fact it does not stand for the proposition which the member in another place said it did.

That case involved Mr Wilsmore who was detained in custody. The Parliament of Western Australia had amended its Electoral Act to disqualify people in detention from voting and from being elected to Parliament. The Bill was not passed by an absolute majority. The Western Australian Constitution had a similar provision to our Constitution Act, which required an absolute majority to approve any change in the constitution of a House of Parliament. That case was decided very simply on the basis that the amending legislation amended the Electoral Act. It did not amend the constitution, end of story. No argument. No question about it. That was the unanimous decision of seven justices of the High Court of Australia. Indeed, Justice Murphy specifically said that he did not need to decide whether the constitution of the Legislative Assembly or the Legislative Council of Western Australia was affected at all.

I refer to the judgment of Justice Wilson who made some remarks—they were beside the point, but nonetheless he made remarks—to the effect that the amending legislation would not have affected the constitution of the Houses of Parliament. Justice Wilson relied on the case of *Clydesdale v Hughes*, (1934), which involved three High Court justices. That was a very different case. Legislation was introduced to amend the constitution in that case to allow a member of Parliament to sit on the Lotteries Commission.

In a sense, it expanded the rights of members of Parliament, whereas this Bill, just like the Exclusion of Bishops Bill, seeks to disqualify members of Parliament and seeks to disqualify citizens from being elected to Parliament. So this Bill is a minimising Bill. The Bill dealt with in *Clydesdale v Hughes*, in a sense, gave an additional right to members of Parliament. It allowed one particular member to have an office of profit under the Crown.

I have to draw to a close because I have a limit placed on my time. I want to cite another example which I believe is analogous to the Bill introduced by the member for Hartley. What if the Liberal Party thought that it could gain electoral advantage by introducing a Bill which said that people who attended public schools instead of private schools could not sit in Parliament? The Liberal Party might have the numbers in this Parliament or the next, and it certainly would have had the numbers in the last Parliament, with the Democrats agreement, to pass such a Bill. If the member for Hartley would suggest that such a Bill is not impacting upon the composition of the House, then he is just kidding himself and he is being dishonest, if that is what he would do in that situation.

Mr SCALZI: I rise on a point of order, Sir. I take offence at the words 'being dishonest'. I had no such intention and I ask the honourable member to withdraw.

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

Mr HANNA: Such a Bill could be introduced but, given the varied background of members here, it is much less likely we would have gone to private schools than members opposite. Perhaps members opposite could reintroduce property qualifications and say that only rich people can be elected to Parliament. I know for a fact that it will benefit members opposite more than it will benefit the Opposition. Such proposals would be altering the constitution of the Houses of Parliament. They would be undemocratic and bad for our society. This Bill is no different, except that it applies to a smaller class of people—not singular—that is, those people who have come from other countries and who are either ignorant of or otherwise have not renounced their proud connection with the country of their ancestors. That spells out the iniquity of this Bill. It should be rescinded, because it has not been properly, constitutionally passed by this Chamber.

Mr LEWIS (Hammond): At the outset let me assure you, Mr Deputy Speaker, and the rest of the Chamber that I will not stray from the subject matter of the debate to any greater degree than other speakers have. Accordingly, in the first instance, I point out that the problem that the speakers supporting the proposition to rescind really have is that they do not understand the difference between a capital 'C' and a little 'c'. The capital 'C' for constitution, referring to that document—

Mr Atkinson: The Act!

Mr LEWIS: —and the capital 'A' for Act is different from those things people do either decently or indecently, which is a little 'a' or any other form. Whilst in the first instance the member for Mitchell has referred to *Clydesdale v Hughes* in the High Court, he has put the wrong spin on the outcome of that matter, perhaps albeit conscientiously believing that it supports his case: he is mistaken and incapable of sufficient logic to understand that he is mistaken.

Mr Atkinson: That's irrelevant.

Mr LEWIS: It is not really irrelevant. The constitution of the House deals with such matters as the number of members and their term of office. An attempt to reintroduce any sort of qualification would affect the constitution of the House, where they are citizens. But in this instance—

Mr Atkinson: You are reading a Crown Law opinion.

Mr LEWIS: Exactly. But I am using it as notes, I remind the member for Spence, for whom, in most arguments, I have profound respect. However, in this case his argument is specious and shallow, and there is a mischief in it, because he knows that he wants to gain an advantage electorally from all those people who live here and have citizenships—whether or not they are aware of it—conferred on them by the country of their birth, and the country of their birth, as a matter of convenience, will not allow them to renounce that citizenship under the law of that country. They do that because, in the event that they were silly enough to return to some of the countries whence they came to our safe haven—Australia, and South Australia in particular—they might have their freedom taken from them for a crime they have not known they have committed, or their assets confiscated by those Governments, whether democratic, so-called democratic or whatever else. It is for the Australian citizen to decide whether they go back. Whether or not the country to which they go back, having come from that country of their birth, or being the children of someone who came from that country—

Mr Atkinson: Or grandchildren.

Mr LEWIS: I don't mind. That has nothing to do with the measure the member for Spence seeks to have rescinded. This is about whether or not you can serve two laws, two bodies of law, two constitutions. In our case, it is sufficient for us, under the law that the member for Spence proposes we rescind, to require a citizen seeking election and succeeding in an election to renounce all other allegiance. Whether Governments elsewhere accept it is beside the point: just so long as at the time we take our place or seek to take our place in the Parliament we sign a statement renouncing all others, then we know that there will never be a hidden agenda in any of the debates in which we are involved.

Mr Atkinson interjecting:

Mr LEWIS: You don't have to. As a matter of course, it is my judgment—and the measure provides for this—that all of us, on the day we are sworn into this place, should stand and renounce allegiance to all others, because we are not fit to make laws in this place unless we do. We are implying that we are willing to be guilty of treason by not so doing and hope that we might not be discovered, perhaps. That is the seriousness of the matter. It is not about electoral advantage but about getting a clean shot at who makes the laws for us.

Mr Hanna: That is why due process should be followed. That is why you should have an absolute majority.

Mr LEWIS: Why didn't the honourable member take the point at the time the vote was taken.

Mr Hanna: It was taken—

Mr LEWIS: It was not. It was taken afterwards. In my judgment, to rescind the Bill on that basis is specious in the extreme, because were we to do that it would be resubmitted and passed again. Let us make plain that the member for Spence, in all seriousness believes—and all members in this place believe—that it is not appropriate for us who make laws for the rest of society in South Australia to have divided loyalties and allegiance, where we could be quite properly accused of allowing those divided allegiances to have influenced not only what we said but how we voted. I honestly do not think that it really elevates the member for Spence much when he writes the kind of letters that he has written.

Mr Atkinson: Perfectly accurate.

Mr LEWIS: No, it's not. The most hypocritical aspect of the Liberal's proposal is that current and former members of Parliament—and this is not the proposal as I see it—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS: Let me make it plain to the member for Spence that his attempt to create fears in the minds of people who have forebears born elsewhere or who were themselves born elsewhere and who had conferred upon them citizenship which they may or may not be aware of, in some way to discriminate against them, is ridiculous. All the member for Hartley's measure does is require them to state honestly that their interest is in South Australia and renounce allegiance to all others.

Mr Atkinson interjecting:

Mr LEWIS: It does not matter. Therefore, there will be a duplication of those letters in publicity, I am sure. We do not need that level of debate: our raising people's fear over unfounded hypothetical situations that are arguably inaccurate, anyway, is not necessary. It does not help democracy. I disagree with the member for Spence most vigorously.

Mr Atkinson: You don't want people to know how you're voting on this. You want to cover it up. You don't want public debate on this.

Mr LEWIS: Notwithstanding that that is directed at me personally, I assure the member for Spence and you, Mr Deputy Speaker, that he is mistaken. I am very happy to go on the record as saying that anybody seeking election to this Parliament to make laws for all Australian citizens living in South Australia and all other human beings in South Australia for the time being—

An honourable member interjecting:

The DEPUTY SPEAKER: Order! The member for Spence will have the opportunity when he closes the debate to make the points he is making across the floor.

Mr LEWIS: Let them know that, as God is my witness, and as he and every other member in this place today is my witness, and as the record will show, I think it is disgusting that somebody is not prepared to renounce allegiance to everywhere else and any other constitution when they seek to be elected to this place, under this constitution, to make laws. There is no other place on earth—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS: —where it is possible to have dual citizenship and become a member of Parliament. I do not say anything whatever—let all members speak for themselves on this matter.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS: The member for Spence needs to remember that it is not appropriate to have members of Parliament making laws when they could be influenced in their allegiance to another power that they have not been prepared to renounce.

Mr Atkinson interjecting:

Mr LEWIS: I am not in the least: I am simply saying what the Bill says and what the Act has said: that what we need is for everyone to renounce allegiance. If Poland does not want to accept that renunciation, that is not our problem and it is not the problem of the person who has been elected here. I thank members for their attention.

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

Mr McEWEN (Gordon): I have been particularly disappointed with the debate because it has not focused on the motion. I wanted to hear today whether or not the matter we are dealing with did have an impact on the Constitution (Citizenship) Amendment Bill and was in itself having an impact under section 8 of the Constitution Act and, therefore, requiring the concurrence of an absolute majority of the whole number of members.

Mr Atkinson interjecting:

Mr McEWEN: I accept that: I am coming back to some of the debate from this side of the Chamber which seemed to want to reopen the original motion and not simply address the motion that seems to me to be about procedure and would be a debate we would have on a number of occasions, irrespective of what the substance of the original motion was. This is a process matter that we are supposed to be debating and I have been somewhat disappointed. I might add that I still have not made up my mind because I have not had the opportunity to hear a decent debate in this place about this specific matter. I have continued to see members revisit what I consider to be an absolute hypocrisy, that is, to argue that we cannot have two sets of rules. Many members sit cushily in this place knowing that two sets of rules apply on many matters. I will bring one to the attention of the House, that is, superannuation because, Mr Deputy Speaker, you will know that you have a different set of rules compared to new members in this place and you passed those rules.

I acknowledge the member for Hammond was one of the few members who changed over to the new set of rules at personal detriment and I acknowledge in the House that he has done that. I need to bring to the House's attention that I am not interested in the two lots debate in this House: the As and the Bs. If you do it once, you are doing it again. I am not particularly sympathetic to the member for Spence when he argues that we are creating two sets of rights. He is basically saying that we can only move forward and not move back. So, retrospectivity cannot be applied, whether it is to do with a citizenship amendment Bill, a superannuation Bill or anything else. So, in moving forward, I was responsible for the amendment that said the new rules apply henceforth.

Let us put that to one side and come back to the motion on the Notice Paper, which is quite clear: it is a debate about whether or not we should have had an absolute majority of the whole number in Committee when we voted on the clauses. I still have not made up my mind on that and I look forward to the member for Spence at some stage closing the debate and I ask that other members who wish to contribute to the debate contribute in substance to the matter on the Notice Paper.

Mr MEIER (Goyder): I oppose the motion. It is quite clear in my mind on reading section 8 of the Constitution Act which comes under the general heading of 'Legislature' that it is dealing basically with the issue of the number of members and the terms of office: in other words, with the general make up of the Parliament and not with the eligibility of the Parliament. Therefore, I have no problem in opposing the motion. I believe the Bill passed earlier was passed legitimately. It is interesting that in the current Constitution Act it clearly states that, if any member of the House of Assembly takes an oath of allegiance to any foreign power, their seat in the House of Assembly will become vacant, yet we have heard in this very debate the issue of people saying, 'Look, surely other people can be allowed to have an allegiance to another country; in other words, they can have citizenship in another country.'

In a sense it is surprising that the amendments moved by the member for Hartley had to come in. My interpretation is such that I believe this is already covered. We are now debating whether a person should be allowed to have allegiance to another country when, in fact, the constitution already forbids that. Therefore, I have to ask why the member for Spence is making such an issue over the fact that the member for Hartley's Bill passed this House. The answer is very simple. The member for Spence is seeking to make mischief by circulating letters in various electorates and trying to fudge what the true situation is. I have in front of me a letter from the member for Spence to a constituent in another electorate and it starts off:

> The Liberal Party has put a proposed law before Parliament that would disqualify you and your children.

Members interjecting:

Mr MEIER: I hear the Minister interject and say, 'Wrong.' Exactly, it is wrong, because it was not a Liberal Party Bill. It was the member for Hartley's Bill. The member for Spence has been around long enough to know that it was the member for Hartley's Bill from the word go and members have a conscience vote on this side of the House, although I cannot speak for members on the other side. It is a complete fabrication to claim it is a Liberal Party Bill—that is not true. It is the member for Hartley who introduced this Bill. Get your facts right. If you are going to put letters out, then have the manliness to get up in this House and apologise not only to the Liberal Party but also to the member for Hartley.

Members interjecting:

Mr MEIER: What is the member for Spence's reaction? I note that he laughs and will not admit his error. That is the first problem that we have. The other issue I want to highlight is that the member for Spence seems intent on trying to create some sort of furore when in fact this law has applied in the Federal Parliament over many years and has always been agreed to.

Mr Atkinson interjecting:

Mr MEIER: The Parliament as a whole has continued to agree with it, whether it has been Labor in power or—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr MEIER: The member for Spence is well aware that, if the Parliament wants to change it, it can simply put a question to the people and, if both sides of Parliament agree with it, the chances of it getting through are high. The member for Spence knows that very well but that would not suit his purposes because he wants to make political trouble in this State, just as he has made trouble in past years. I recall the last election and the member for Spence will probably ensure that aspects of members' travel entitlements will disappear from members' rights, even though there is a strong argument that members should be allowed greater education outside their own State.

Mr ATKINSON: Mr Deputy Speaker, I rise on a point of order. What has the member for Goyder's overseas travel got to do with the motion before the House?

The DEPUTY SPEAKER: Order! The Chair has noted a wide variance of matters raised in the debate, many of them outside the provisions of the motion that we are now discussing. There is no point of order. I might point out to the member for Spence that the Chair asked the honourable member to refrain from continually interjecting, as he is

doing, because the member for Spence will have the opportunity to make these points when he speaks in closing the debate. I again ask the honourable member not to flout the decision of the Chair and to recognise that he has that responsibility at a later time.

Mr MEIER: The relevance is that the member for Spence, in seeking to highlight this aspect that he sees as wrong, has the audacity to go out and circulate letters in other members' electorates—

Mr Atkinson: No, only mine.

Mr MEIER: That is not the report that has come back to me.

Mr Atkinson: Give me the address.

Mr MEIER: So, in this particular—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr MEIER: In this respect, the member for Spence's letter writing campaign seems to extend from one issue to another, simply for his own political advancement, and that disappointments me. It is a very serious issue that we are dealing with, and members have seen, from the frivolous way he has dealt with this, that the member for Spence does not regard it as such. How would members in overseas countries react if, for example, Yasser Arafat decided to run for Parliament in Israel, in the Knesset. Would that be generally accepted? Of course not!

Mr Atkinson: There are Arab members of the Knesset. There are 10 Arab members of the Knesset.

Mr MEIER: I am amazed to hear that—because, as an Australian, I want Australians only to run for the Australian Parliament. All of us have come from overseas, through whichever generation, whether it was our grandfather or great grandfather—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr MEIER: Without any question at all, I want people here to be citizens of Australia and I want them to have renounced their citizenship of the other country, because we could easily get into a situation where Australia simply becomes a puppet of another country—and that is the last thing that I would ever want to see. The member for Spence might laugh: I will stick up for Australia every day, all the time, year after year, and I will wage any battle against him that I can.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr ATKINSON (Spence): The question here is: is the amendment to the constitution proposed by the member for Hartley's Bill one that affects the constitution of the House of Assembly? That is the nub of this motion. I say that it does, because it disqualifies from membership of the House of Assembly and the Legislative Council anyone who has an entitlement to the citizenship of another country. We have already identified by research that people who were born in Croatia, and their children born in Australia, and people who were born in Greece, and their children born in Australia and their grandchildren born in Australia and their great grandchildren born in Australia, are now ineligible to stand for the State Parliament; that people born in Poland, and their children born in Australia, are unable to stand for the State Parliament; that people born in Ireland, and their children and their grandchildren born in Australia, are unable to stand for the State Parliament; and that people born in Britain, and their children born in Australia, are ineligible to stand for the State Parliament, under the member for Hartley's Bill.

That is established as a fact, not merely by a research paper of the Parliamentary Library, but by letters I have circulated from the High Commissioners and Ambassadors of those countries in Australia. If you add up all those people in my electorate, it amounts to almost half of the 22 000 constituents in the State district of Spence.

In 1894, this House decided that granting votes to women and allowing them to stand for this Parliament was a change in the constitution, small'c', and the man in that chair ruled that that was an amendment to the constitution and, as such, section 8 of the Constitution Act required that it be passed by an absolute majority.

In 1896, when the Affirmation Act was before the Parliament, the Speaker ruled that, as the Affirmation Act allowed Quakers and Anabaptists, atheists and agnostics, to run for the South Australian Parliament for the first time by enabling them to take the affirmation, therefore, that was an amendment to the State constitution, and the Affirmation Act was required to be passed by an absolute majority.

Again, in the 1950s, there was a challenge to whether Jessie Cooper could sit in Parliament as the first woman. A challenge was made to that, and it was ruled that an Act amending the constitution to put beyond doubt that women could stand for election to this Parliament was an amendment to the constitution and, therefore, it had to be passed by an absolute majority.

So, what I am putting to the member for Gordon and to the House is that the member for Hartley's Bill is so broad in its scope, and it affects so many people, that it ought to have been ruled by the Speaker as a Bill amending the constitution that required an absolute majority.

Mr Scalzi interjecting:

Mr ATKINSON: The member for Hartley asks, 'What about 1994?' when a Bill of the opposite tendency came before this House. That is a good question, and I take it on board. The answer is that that Bill should have been treated in the same way as the member for Hartley's Bill. It was supported unanimously in the Parliament. There was never any question that there would be a division on it. If someone had called a division, it would have been incumbent on the Speaker to point out that this was an amendment to the constitution and, under section 8 of the Constitution Act, it had to be passed by an absolute majority. But the member for Hartley should remember, as I remember vividly, that there was no division on that Bill, because not one member spoke against it.

So, all the precedents in this Parliament are clear: when you are affecting the entitlement of a large number of people to stand for Parliament in this State, that is an amendment to the constitution, small 'c', and it requires an absolute majority. The member for Hartley's Bill is of that kind of scope.

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

The House divided on the motion:

AYES (22

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.

AYES (cont.)

McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (24)

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

Majority of 2 for the Noes.

Motion thus negatived.

[Sitting suspended from 1.4 to 2 p.m.]

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 9, 138 and 157; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

MOTOROLA

In reply to **Mr McEWEN (Gordon)** 10 February.

The Hon. M.H. ARMITAGE: The Minister for Information Services has advised that Telstra has offered Motorola Private DataTAC product using the RDLap protocol for the GRNC Data Services. Motorola has assured Telstra and the Government that it has no current plans to discontinue the Private DataTAC product and Motorola confirms that new Private DataTAC products will continue to be developed and enhanced so that it remains at the forefront of technology.

SAFE CITY INITIATIVE

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

Leave granted.

The Hon. J.W. OLSEN: Today I wish to draw the attention of the Parliament to a joint State Government-Adelaide City Council initiative to put Adelaide on the map as a safe city—a city with safe streets. We all know that there are a number of 'hot spots' in the city—areas that are particularly unsafe at certain times, areas where there is a high incidence of robbery, violence, drug use and alcoholism. No longer can Governments shirk their responsibilities and say that this is a council issue or that it is a State issue: it is a social issue that warrants input from all spheres of government, and that is how we plan to deal with it here in South Australia.

There are strategies in place to clean up Victoria Square, but we recognise that the problem is not confined to one area. In fact, by focusing on only one section of the city, we are in danger of simply moving the problem to other areas. It is the 'not in my back yard' mindset that we must address. On the other hand, people often say, 'Adelaide doesn't have a problem: compare our streets to those of Sydney, Melbourne, LA and New York.' For this Government, crime and drugs is not an issue of relativity: it is not okay to say, 'It is worse elsewhere, therefore don't worry about it.' We have to recognise the problem and say, 'Let's deal with it. Let's look at why this is happening, what we can do about it and how we can make our streets safer.'

I am pleased to announce the establishment of a working group on city safety to do just that. The group will draw on the skills and resources of State Government agencies, including those of the Attorney-General's department and Human Services, as well as the City Council. The working group will be asked to examine evidence that there are 'hot spots' in the city that are particularly unsafe at certain times, and to report on the risks associated with those areas. It will examine and report on the likely causes or reasons that seem to underlie those safety risks; to consider strategies that have worked in other comparable cities, both nationally and internationally; to consider previous reports prepared for the City of Adelaide and establish the status of the recommendations; to propose any action that may reduce the safety risks; and to propose the next steps for the State Government and the Adelaide City Council. The working group has been given a short time frame in which to provide an interim report. I expect it to report to the Capital City Committee, which includes council and Government representatives, at its August meeting.

The Government is already working closely with the council and voluntary groups in Adelaide to find solutions. We are dealing with issues of homelessness, drug abuse and alcoholism but, as a team, we have a better chance of giving the vulnerable in our society a better chance and having our city recognised as the city of safe streets. I expect that all members will support this initiative and be open minded when it comes to finding solutions.

QUESTION TIME

MITSUBISHI

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's recent trip to Japan to meet with Mitsubishi executives and the assurances he has been given both in Japan and locally, can he now reassure South Australians about the future of Mitsubishi and all its 5 000 jobs, and can the Premier tell the House exactly what he and the Government told the Hon. Trevor Crothers about the future of Mitsubishi, given Mr Crothers' repeated public statements about this matter? In May 1997 the Premier and I both met in Tokyo with executives of Mitsubishi, who reassured us and South Australians about the company's future investment and commitment to South Australia if the campaign against the then proposed tariff cuts was successful—and it was successful.

The Hon. J.W. OLSEN: The automotive industry in South Australia is a very important component of our economy and that is why I formed Automotive 21 to look at the automotive and automotive components supply firms and the changes taking place in the global marketplace over the course of the next few years. We have seen in recent times very substantial change. Who, for example, 12 months ago would have thought that there would be a Daimler-Chrysler Corporation?

In Japan recently, I had the opportunity to meet the President of Mitsubishi Motor Corporation and to have discussions with the Japanese Automotive Component Manufacturers Association. In discussions, members of that association indicated to us that strategies over the next five to eight years for automotive component firms, that is, second, third and fourth tier suppliers to assemblers, would have to take into account the impact of the global marketplace. That was a timely indication that the group that we have put together in South Australia, Automotive 21, which comprises assemblers and automotive component supply companies, will look to the future post the year 2005 and the impact of the cessation of the tariff pause in the year 2005.

The Government is intent on developing a strategy between now and 2005 to ensure that the automotive industry in its several components, whatever that might be, retains a base in South Australia so that it can compete in the international marketplace. As I have indicated to the House previously, one of the key components of that is to ensure that we source our products in the international market at competitive prices and, if we are unable to do that, we put at risk investment in the future. We have seen very successful investment by General Motors-Holden's in its second production line for the world Vectra motor vehicle.

Mr Scalzi: I've bought one.

The Hon. J.W. OLSEN: I am pleased that the honourable member has bought one and is supporting South Australian manufactured product. That second production line, which has seen the creation of 700 additional jobs at General Motors, is creating products that are now going into the Middle East and Brazil. The response to the South Australian product has been overwhelming, to such an extent that, as we have seen, General Motors is considering even further expansion in South Australia.

What we have got to do and what this Government is intent on doing is ensuring that the input costs of production are at world competitive prices. That is why the broad based goods and services tax, which brings with it the abolition of wholesale sales tax, is absolutely essential to protect the manufacturing base of South Australia. If we can take 4 to 6 per cent off the cost of a Holden Vectra going from the wharf to the Middle East and Brazil, and make it competitive, if we can take 4 to 6 per cent off an air-conditioner or steering column from Air International at Tea Tree Gully when it goes to Korea for Hyundai vehicles—

The SPEAKER: Order! I draw the cameraman's attention to the fact that the Premier is on his feet and no other member.

The Hon. J.W. OLSEN: If we can take 4 to 6 per cent off the rear-view mirrors that Britax is exporting out of the southern suburbs to the United States for Ford, and if we can take 4 to 6 per cent off an engine block from Mitsubishi at Lonsdale that is going back to Tokyo—

Members interjecting:

The Hon. J.W. OLSEN: I hope that the honourable member will support a change in the taxation system and not just give lip service in interjections across the Chamber. Members opposite should stand up for substantial tax reform because it is their constituents who will be the beneficiaries of this reform. Not only do we need to get wholesale sales tax out of the equation and reduce the cost but the other key component that we have been focusing on for some time is to reduce other input costs such as the cost of electricity. That is what we want to achieve, to ensure that these companies can trade in the international marketplace. That way we will secure existing investment and jobs. Importantly, we will be able to create and attract new investment and jobs and ensure that the next wave of international rationalisation in the automotive components supply industry, which are second, third and fourth tier suppliers to the assemblers, have a future in South Australia. It is the 17 000 jobs in that industry that we want to retain and ensure they remain in the future.

CITY LIVING

Mr SCALZI (Hartley): Can the Premier inform the House of the trend towards city and inner city living and thereby offer an explanation as to why this has occurred?

Ms Breuer: If you build a power station in the country, they can all live in Whyalla.

The SPEAKER: Order!

The Hon. J.W. OLSEN: Now that the member for Whyalla has ceased that recycled interjection of hers that we get every Question Time, I will inform the House that city living has increased dramatically in recent years, particularly since the mid 1990s. In fact, in the Adelaide City Council area alone, the resident population has increased by some 13.3 per cent in the period 1990-96, when the last census was taken. This increase is indicative of the attractiveness of Adelaide as a great place to live, work and play, and I am sure that the local member has had a key role in attracting more people back to the city.

The Hon. M.H. Armitage: A good local member.

The Hon. J.W. OLSEN: He is a good local member. The economic injection that this trend provides goes some way to making Adelaide an increasingly popular tourist and recreational destination. Most importantly, what this trend towards city living tell us is that Adelaide is a vibrant and clean city, full of opportunities. Let us look at some of those opportunities. Tomorrow I will have the privilege of launching a new development in the city which is selling off the plan, and that is a feature in South Australia now. Companies can actually sell off the plan, which is something that we previously could not do in this State.

There is also the Grollo development at the old ETSA building and the East End or Garden East apartments and development. The Mines and Energy building on Greenhill Road is to be refurbished for apartments and there is also the recently announced development for the brewery site. So, substantial apartment development is being established in the City of Adelaide, and that is an exciting trend. It is an indication of the vibrancy of the construction industry in South Australia, with apartments, condominiums and other types of city living meeting the demand of the broader South Australian community. All in all, it is very positive news for public and private developments in and around our city.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Do any of the contracts with any of the ETSA consultants provide for a success fee for those consultants in the event of a lease deal for ETSA? Will the Premier assure the House that no contracts or arrangements were or will be renegotiated to provide for a success fee for a lease, given the tens of millions of dollars already being spent on ETSA sale consultants?

The Hon. J.W. OLSEN: What the Leader of the Opposition conveniently forgets is the National Power premium of

being able to come to South Australia and establish—some $30 million.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: No, I just want to balance the equation. The Leader selectively put a position and set down a perception. I indicate to the House that the arrangements that were put in place previously were consistent with the Bill that was introduced a year ago, which was for the option of a sale, lease or public float. The arrangements take account of those options.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has asked his question.

RIVERBANK PRECINCT

The Hon. R.B. SUCH (Fisher): Can the Premier give a progress report on the Riverbank Precinct Master Plan and outline the benefits for the development of the City of Adelaide?

Mr Conlon: Forget the river bank: clean up the river!

The Hon. R.B. Such: You stop swimming in it!

Members interjecting:

The Hon. J.W. OLSEN: Well, you had the good grace to flush red at the suggestion. At least this Government in terms of cleaning up our waterways and rivers has actually done something about it. With the water catchment boards that have been put in place for a number of years, we actually have a strategy for cleaning up the rivers, for the benefit of the member for Elder, but I can assure members opposite that their lot in Government over a decade or more did about zilch in terms of cleaning up our waterways and rivers. It was the former Minister for the Environment and Natural Resources, the member for Heysen, who actually took the initiative to put in place these water catchment boards.

On 16 March, I released the Riverbank Precinct Master Plan which set out a long-term redevelopment strategy for the area. The purpose of this master plan is to coordinate a number of major development projects that the State Government is currently considering in the light of the development on the Riverbank Precinct as a whole. The plan has been released for public comment and considerable consultation has been occurring with the Adelaide City Council.

Importantly, the Riverbank Precinct, which is bounded by King William Road, North Terrace, Morphett Street and the River Torrens, is a focal point for the City of Adelaide. It is the heart of our city and an important showcase for tourists, particularly with the success we are getting through the Convention Centre and the number of national and international tourists coming to South Australia as participants in conventions. The Government has recognised the importance the area plays in the confidence, cultural and community development of our city. The objects of the master plan reflect that.

The objects are to provide a framework for future complementary development; to extend the Convention Centre, as we have announced, by some 8 000 square metres; revitalise the Adelaide Festival Centre to maintain its pre-eminence as a performing arts centre; taking advantage of the tourism potential of the precinct; creating a high quality and attractive precinct that is a safe haven, if you like, for pedestrians; and linking the city with the river edge.

The redevelopment of the Riverbank Precinct is an important component in the Government's commitment to generating confidence in our State. A city that we can be proud of at all times is central to this. I am sure that the development will have great benefits to South Australians, not just those around the city centre. A vibrant capital city generates confidence that is of great value to all South Australians. With the focus of the Convention Centre, visitors here seeing the development that is taking place in a vibrant city speaks volumes for marketing South Australia as an investment destination particularly from the eastern seaboard.

MEMBER FOR BRAGG

Mr WRIGHT (Lee): Will the Premier give a guarantee to the Parliament that the member for Bragg will not return to the front bench as a junior Minister—

Members interjecting:

Mr WRIGHT: —in the role of roving Minister without portfolio—

The SPEAKER: Order! The Chair is having difficulty hearing the question.

Mr WRIGHT: —or Special Minister for State, and will he further assure the racing industry that there is no plan for the member for Bragg to return to the racing portfolio or carry any responsibility for the TAB?

The Hon. J.W. OLSEN: Well, Mr Speaker, the member for Lee has been sitting at home not doing much in the last week so he has been thinking of a range of questions. However, the member for Lee's question actually demonstrates the dearth of talent on the Opposition benches. They do not have a capacity—

Mr Koutsantonis interjecting:

The Hon. J.W. OLSEN: I suggest that the member for Peake ought to take it very carefully or he will get another rejoinder like the second cab off the rank! Mr Speaker, I remind members opposite that in Question Time it is usual that you develop questions of substance and import to the development of the economy and the interests of South Australians. I know that the member for Lee has only been here a short time, but whoever drafted or gave him the question did him a disservice. What we need from the Opposition are questions of substance, not just hot air.

Members interjecting:

The SPEAKER: Order!

HOMELESS PERSONS

Mr CONDOUS (Colton): Can the Minister for Human Services advise the House what the Government is doing to provide support for homeless people in the city?

The Hon. DEAN BROWN: I guess that tonight all of us will go to a warm home, a secure bed and to a proper meal—no matter what time of the night it might be. There are 1 000 people at least in the City of Adelaide who do not have those norms—who do not have a home to go to, who will not have a meal, and invariably are there as destitutes. This Government has been concerned for sometime at making sure we deal with some of these fundamental problems that people face in the city—the people who are homeless, who invariably have health problems, mental health problems and substance abuse, as well as the ongoing social problems that go with that.

What we need, and what we are trying to establish, is a city that cares for these 1 000 people or so who do not have that bed to go home to. Those people need safety, shelter, food and appropriate medical treatment when it is required. I am delighted to say that the Government has put in place a

number of programs to tackle many of these issues for those 1 000 or so people. In March this year I announced funding of $2 million for three crisis and accommodation projects in the city centre for homeless people. I have also funded to $600 000 a new facility in the CBD to deal very specifically with 15 homeless women.

I am delighted to say that St Vincent de Paul has now received approval to go ahead with a $1.8 million redevelopment of their facility to provide night shelter for homeless people. I am also delighted to say that the Hutt Street project has received $42 000, and Westcare has received $20 000 for day centres to provide meals seven days a week for those without a home. We have the Burdekin Clinic, a clinic especially set up to provide medical treatment for these people, and I am delighted to say the work that Dr Damian Mead and others do there is very enlightening and very relevant in terms of tackling these issues. In fact, Dr Mead has written to me and highlighted the fact that these 1 000 people invariably have at least three fundamental problems: they are homeless, they invariably have a substance abuse, and they invariably have a mental disability, as well as other associated health problems. I want to acknowledge the work that the Burdekin Clinic does in helping those high need and high risk groups within the city.

We have also established now, in conjunction with the Federal Government and the Adelaide City Council, city homeless assessment and support teams. These people go out and assess some of these 1 000 people, look at what their needs are and help to provide those needs. Also we have now set up four Aboriginal outreach and support workers and a sobering-up unit. We have established help for Aboriginal people who need rehabilitation programs, and, in conjunction with the Federal Government, Aboriginal women and their children have increasingly been identified as a group with a need and given appropriate help.

I highlight and bring to the attention of the House the report released on Tuesday by the St Vincent De Paul Society for the whole of Australia. That report highlighted the growing divide between the haves and the have-nots around Australia. It is an issue that our country must tackle. I am delighted to say that here, in the City of Adelaide, we now have some model programs in place. I believe that we are now dealing with these 1 000 people of high need and high risk more effectively than we have done in the past. I hope that this winter they receive some of the food, warmth, comfort and safety that they quite rightly deserve.

WILDLIFE

Mr HILL (Kaurna): Will the Minister for Environment explain the conflict of interest between her role as Minister for Environment and her decisions to approve the culling of protected Cape Barren geese and to allow native parrots to be shot without permit? Following the Minister's decisions to allow the culling of protected Cape Barren geese that live only in this part of the world and the shooting without permit of the musk lorikeet, the rainbow lorikeet, the Adelaide rosella and the yellow rosella, I have received messages of outrage from conservation groups and the South Australian community.

A letter from the Bird Care and Conservation Society states that the chairperson of the Minister's Wildlife Advisory Committee has conceded that there is no evidence that these birds are in plague proportions and that the decision was based only on anecdotal evidence. The society expressed particular concern that the subspecies of rosella targeted by the Minister is found nowhere else in the world.

The Hon. D.C. KOTZ: Only a certain amount of the question is absolute fact: the rest of it, of course—

An honourable member interjecting:

The Hon. D.C. KOTZ: Yes, there is a start: there is a certain amount of substance in the question. The honourable member is quite right in terms—

Members interjecting:

The SPEAKER: Order! The House will come to order. The Chair cannot possibly hear the Minister.

The Hon. D.C. KOTZ: The honourable member is quite right when he establishes that the southern coastal area of mainland Australia and Tasmania is the only place in the world where Cape Barren geese exist. In the past the geese have been a threatened species. Several years ago only 2 000 to 3 000 geese existed. Through the expert support of National Parks and Wildlife, and all other people who are interested in supporting the survival of threatened species, we have done our job exceptionally well. Unfortunately, we now have a situation where the geese are in mass proportions and doing very well to the tune of approximately 10 000 birds.

Because these birds claim specific areas as their habitat, they do not move around the countryside to a great degree as other birds do, thus at this stage they are causing considerable damage in agricultural areas within the regions about which we are talking. Considerable community consultation has taken place. Certainly, task force and management groups have been established to look at how we can deal with Cape Barren geese in that they are no longer a threatened species in terms of their population numbers. To that extent, a report was prepared which I am sure the honourable member, given his interest in the environment, has managed to read and which is entitled 'Managing Cape Barren Geese in Agricultural Landscapes of South Australia'.

That report was prepared by National Parks and Wildlife South Australia and was circulated for public comment for four weeks, closing on 26 March. The management proposals within the report integrate many of the issues that surround one of the very hard ends of conservation management, namely, to make space for native species in productive agricultural landscapes. The proposal incorporates an ecologically sustainable use approach to managing geese and looks at incorporating harvesting and farming proposals and the establishment of mainland feeding refuges.

It looks not only at maintaining and sustaining the ecological habitats of the birds in question as well as managing, in a local, community-based program, the very basis of the survival of the geese, but also ensuring that the agricultural disadvantages occurring from the exceptional numbers of these birds are controlled. The program is now in the hands of local communities. I am quite sure that the people who are involved and who have already detailed a great deal of interest in managing these birds will ensure that all the processes of management will occur within a very contained and exceptionally well placed decision-making process.

There certainly was divided opinion on the issues of providing mainland feeding refuges and the captive farming of geese; however, the Wildlife Advisory Committee reviewed the report, evaluated the public comments and put the recommendations to me, which I accepted and then put back to the community in terms of a management plan.

SHOP TRADING HOURS

Mr HAMILTON-SMITH (Waite): Will the Minister for Government Enterprises advise the House of early indications of support for new shop trading hours in metropolitan Adelaide?

The Hon. M.H. ARMITAGE: I thank the member for Waite for his important question. Tuesday this week was the day that the new shop trading hours, as agreed by the Parliament, came into operation. As I am sure members of Parliament would remember from the debate with which members of the Labor Party agreed, the new provisions allow shops in city and metropolitan areas to extend their trading hours. There has been a lot of comment in the media this week and I have been asked on a number of occasions about the new arrangements: 'How have the shops responded? Are the retailers happy?' I contend, as I have contended when I was asked those questions, that in fact they are the wrong questions.

The real questions are: are the consumers happy; how have the consumers responded to the new hours? I am delighted to say that the hours are proving very successful and, as members will soon hear, increasingly successful. It is very interesting that an article in the *Advertiser* yesterday quoted only one consumer. The article states:

> At Colonnades, Noarlunga Centre, Ms Jenny Hackel, of Huntfield Heights, was enjoying being able to shop alone. 'I've got four kids and my husband is staying at home and looking after them', she said.

And that is obviously what will happen. Also, I have already received an application from a near urban country area seeking to be allowed to have extended trading hours until 7 o'clock. This is exactly what was predicted. Let us look at the numbers of customers. Given that the members for Elder and Hanson have found this so hilarious, let us look at what has happened. In terms of the numbers of customers, Bi-Lo reported that approximately 1 000 customers visited its stores during the additional hour of trading on Tuesday night. Last night that number increased to 1 700. So the number increased from 1 000 to 1 700 in the first two nights.

Coles, after reporting a very successful Tuesday night, advised that, in the hour between 6 p.m. and 7 p.m. last night, it had a 76 per cent increase in the number of customers. I know that members opposite might find it hilarious but the consumers are saying, 'We will support these hours.' Clearly they are, exactly as predicted. I am informed that a number of stores—and I am sure that the members for Hanson and Elder will find this outrageously funny—had to turn customers away yesterday when they closed their doors at 7 o'clock. The simple fact is that the customers are saying, 'We will utilise the extended hours.' Obviously, the City of Adelaide has a great opportunity through extended hours. Adelaide is the heart of our State, undoubtedly, and the opportunity to ensure that Adelaide is alive and active will be a great bonus to the State.

I note that Target, which is at one end of Rundle Mall, has elected to utilise the extended hours. That will undoubtedly lead to competitive pressure in other areas along the mall, as we would have expected. There is no doubt that consumers are supporting these trading hours. I am certain it will be exactly like Sunday trading which the members opposite were so against. I remember well when members in this Chamber were intent on extending those hours, and the Opposition thought it was anathema, that Armageddon was to be released on society. One only needs to come into Adelaide on any Sunday afternoon and walk down the mall, see the shopkeepers making money and people enjoying themselves, giving added vibrancy to Adelaide, to know just how wrong Opposition members were then. Clearly, the consumers, by their support—which is increasing by about 70 per cent over two nights—are indicating that they will support this new move. I reiterate as I have said all along that the extended trading hours are voluntary. However, as consumers demand that they want to spend their money, I know that more shops will open.

WILDLIFE

Mr HILL (Kaurna): Given the Minister for the Environment's failure to answer my previous question in relation to rosellas and lorikeets, and given the successful sterilisation and relocation program developed by the former Environment Minister to solve the koala problem on Kangaroo Island without shooting them, what alternatives were considered by the Minister before she approved that native rosellas and lorikeets could be shot without permit, and how will the Minister's decision be monitored? The Opposition has been told that, because there were no resources to assess or monitor the permit system, the Minister agreed to scrap it.

The Hon. D.C. KOTZ: The last statement of the member for Kaurna is an absolute nonsense—and most of his question appears to be nonsense, as well. A task force was put together to look at the problem of parakeets and lorikeets. South Australia, with its wonderful clean and green image of being supportive of all animals and wildlife—which we seem to have in this Chamber, as well—manages not only to support the fauna and bird life that we have in this State but we manage to increase it rather sumptuously. In this instance, unfortunately, the populations of the parakeets and lorikeets had grown to the point that in many areas of the State they are, indeed, in plague proportions. The amount of damage that they are once again doing to many areas of not only agriculture but horticulture has been pointed out to me by members of the Farmers Federation on trips that they have taken me on to show me the damage that has been done.

These decisions are not necessarily ones that Environment Ministers like to make, because this is the hard end of decision making. Unfortunately, when it comes to making decisions, the Liberal Party at least decides on all occasions to take responsible and reasonable ones. In this case, again the management task force that looked at talking with the community and consulting with wildlife management committees made recommendations, and the recommendations were the ones that I agreed to, as I said, in making responsible decisions for this State.

TOURISM INITIATIVES

The Hon. G.A. INGERSON (Bragg): Will the Minister for Tourism advise the House how tourism activity is helping to create a vibrant atmosphere and consequent increased economic activity in the City of Adelaide?

The Hon. J. HALL: I thank the member for Bragg for his question because we know of his absolute interest in and commitment to tourism. However, today I am very happy to advise the House that I have some figures that prove absolutely how successful we have been, and I think it will enable us to set some new targets for the future. The figures that have just come out today from the international visitor survey show for the first time ever that South Australia has broken

through with 300 000 international visitors to our State. That is very significant. It shows a 10 per cent increase, and the other absolutely sensational figure that we have is that we now have 4.5 million visitor nights for the past 12 months, and that shows a 14 per cent increase.

These figures deserve a celebration, because it shows absolutely that the investment this Government has made in tourism over the years is starting to bring significant rewards. The other aspect of this is the enormous employment opportunities that it is bringing to our State, particularly our city and across the regions. One of the reasons this is proving to be so successful is our concentration on major events. We all know of the economic benefits reaped from events such as the very successful Wagner's *Ring* cycle, Tour Down Under, Classic Adelaide, the golf, the cricket, WOMAD and, of course, the Clipsal 500, which was such a sensational event. We have coming up Tasting Australia, the Masters Games and international horse trials, and all these major events are enabling an international focus to be put on our city and our State. It is so important that we acknowledge the enormous contribution that these major events are making to our city.

The other aspect of tourism that is becoming a major aspect of our development and growth is the convention and conference business. I am sure the House would be interested to know that, since 1994 when there were 54 conventions that brought a total of 12 665 paying delegates to our State, that figure has risen to 308 conventions and more than 75 000 delegates. Those figures show that the contribution those people make to our State and to the vibrancy of our city are very significant. I know we all recognise that Adelaide is a great place to have a party. It has great atmospherics when the city is alive, and it is something on which we should capitalise in the future. In addition to this, the other aspect of bringing our city to life is the fact that we need more accommodation, because our main hotels are now full or have increasing occupancy rates. That is significant in terms of our national position. As we know in the future we have coming on line the National Wine Centre, the international rose garden and increases in the arts precinct. All these facilities will add to the vibrancy of our city, and they will be major attractions for international and interstate tourists.

I happen to believe that the decisions that this Government has made to make sure that Adelaide and our State is a user friendly destination is starting to show enormous dividends to our State. It says a lot about the determination of a Government that is putting a sign out that says, 'We are open for business, and we would like you to come and visit us—preferably a few times.' It is helping develop our skills base for employment opportunities, and we ought to be celebrating the new figures that have come out because they are a great compliment to this State.

SHIP BREAKING INDUSTRY

Mr FOLEY (Hart): Will the Minister for Tourism explain to the House what the likely effect on tourism would be of the establishment of a ship breaking facility on the Le Fevre Peninsula and, in particular, the impact it would have on the Government's attempts to increase the number of cruise ships calling at Outer Harbor? A business travel article in yesterday's press reported on one of India's best kept secrets, the beach at Allang, which is a site of a major ship breaking facility. The article says that the road to hell—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: —is a dirt track that leads to the beach at Allang and that no-one in the nearby city of Ahmadabad seems willing to even admit that Allang beach exists. Not even the Chamber of Commerce includes Allang in its literature. The article goes on—

Members interjecting:

The SPEAKER: Order! The member for Hartley.

Mr FOLEY: Thank you, Sir. The article goes on to say:

> . . . this could have something to do with the fact that the air around Allang is fetid with gas fumes, poisonous odours from the hulks, the smell of burning paint and—most dangerous of all—thick with the fibres of asbestos, set free by the demolition process.

The Hon. J. HALL: Unfortunately, unlike the member for Hart, I have not had the opportunity to read the article to which he refers, but of course I would be delighted to do so. However, it is worth pointing out to the House that the Tourism Commission is currently focusing on a specific water based and marine activity tourism project covering a whole range of activities that impact on our 3 700 kilometre coastline because, as we know, we have a fabulous range of activities for all those people interested in water based and marine activities, ranging from fishing, to boating, to cruising, to surfing and taking advantage of our great beaches. I would be happy to read the member for Hart's article and I invite him to participate in all the water based and marine activities that this Government is making available.

YOUTH EMPLOYMENT

The Hon. D.C. WOTTON (Heysen): Can the Minister for Employment and Minister for Youth provide information to the House on what the Government is doing in particular to assist business in employing young people in South Australia?

The Hon. M.K. BRINDAL: I am surprised that, on the day the jobs figures are released, we are nearly three-quarters of the way through Question Time and have not had one question from the Opposition on jobs. This is the most important thing in South Australia, the most important problem confronting our young people, but where are the questions? We have hypothetical questions and not much else. This Government is undertaking a range of initiatives for young people in the specific area of job creation. Repeatedly, the Premier has said that it is not the job of a Government to create jobs; it is not the job of a Government to bolster employment by creating jobs within the public sector that do not really exist. It is the job of the Government to create the climate and partnership within the community in which jobs can be created. That is why the Premier sent me around the State last year to do a jobs workshop. Unlike Labor, which has the slogan 'Labor Listens' but does not do much about it, we go out and listen, including listening to the United Trades and Labor Council, and we came up with strategies to facilitate better employment opportunities in partnership with our community for young people.

Mr Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: I would help the member for Peake find alternative employment. It might be good for all us.

Members interjecting:

The SPEAKER: Order! The Minister should not inflame the member for Peake.

The Hon. M.K. BRINDAL: I accept your wise guidance, Sir. The Government got out there and listened to the people, including the UTLC, and has come up with a $100 million strategy for last year and a $28.5 million strategy for the next three years. The Government has exceeded its targets in creating jobs for young people. We have also listened to the community and this year we are also focusing heavily, as well, on the mature unemployed people over 40. So, I can assure the member for Heysen that the opportunities for young people are not being promoted to the exclusion of others but that, rather, there is emphasis on getting the balance right.

The Government has a range of programs. I will not detail them all today because I am sure that every single member has read the Employment Statement which was put out and which builds on the Employment Statement issued by the Premier last year. One of the interesting things we are doing is in creating the City Vital fund, which is part of our partnership with the City of Adelaide to which the Premier alluded earlier. The Government has allocated $1.5 million to the City Vital fund, which offers one off grants for companies and traders wishing to locate in the city.

Members interjecting:

The Hon. M.K. BRINDAL: The member for Elder, who is the shadow Minister, should be aware that last week in the City of Brisbane the Lord Mayor of Brisbane and the Premier of Queensland said they were going to institute the sorts of processes that this Government has instituted through the Capital City Committee and the Capital City Forum. This morning the Property Council gave me a working paper from Western Australia highlighting the achievements of this Government in its cooperative approach to the City of Adelaide, a cooperative approach between the State Government and the City of Adelaide.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: The member for Elder is totally wrong: this Government is held up as a landmark around Australia because we worked our way through the problem, unlike some neighbouring or other jurisdictions because we did not have to sack the city council. We worked cooperatively with it and came up with a new Act which is an example to the rest of Australia. Instead of knocking, knocking, knocking, if the Opposition provided some constructive response, it might be more helpful. That is what the Government is about and it is what the member for Elder is not about. We will get on with the job and we will continue assiduously to ignore the raucous interjections opposite.

HAMMOND, Dr L.

Mr HANNA (Mitchell): In a written considered answer given to the Deputy Leader on 25 May 1999 in response to her question of 2 March 1999 regarding former MFP Chief Executive, Dr Laurie Hammond, why did the Premier say that termination arrangements were negotiated with the former Chief Executive of the MFP by the Commissioner for Public Employment at the request of the then Chairman of the MFP, Sir Lew Edwards, when a fax circulated to MFP board members in 1997 stated:

> Dr Hammond has been asked to negotiate with Mr Ian Kowalick, Chief Executive, Department of the Premier and Cabinet, acting on behalf of the Premier and Minister for Government Enterprises, Hon. Michael Armitage, on the terms of Dr Hammond's redundancy payment.

The Hon. J.W. OLSEN: The Commissioner of Public Employment and the head of the Department of the Premier and Cabinet represent the Government.

Members interjecting:

The Hon. J.W. Olsen: Stupid question.

TORRENS RIVER

Mr LEWIS (Hammond): I ask the Minister for Environment and Heritage what has been done to improve Adelaide's major waterway, the River Torrens, and the adjacent linear park?

The Hon. D.C. KOTZ: The Premier spoke earlier about the establishment of water catchment boards throughout South Australia, and the creation of the Torrens Water Catchment Management Board, which first met in May 1995, has meant that the Government has ensured that there is a dedicated and effective focus on improving the Torrens. Of course, a great deal of improvement work has already been undertaken. In conjunction with the City of Adelaide the Torrens Lake and Environs Strategic Plan was developed in 1996 and I am sure members of this Chamber will remember the important works that took place at that time coming out of that report, that is, the dredging of the Torrens Lake, which is an important part of this plan.

The removal of the sediment that had accumulated over the previous 60 years meant that the health of the Torrens had certainly been improved at that time. In 1997, the State Government spent some $500 000 to repair and stabilise damaged areas of the River Torrens Linear Park, which certainly will minimise erosion in the future at each of those sites along that area. It is important to note also that one of the most successful methods of removing rubbish from Adelaide's rivers has proven to be trash racks, which have been built at First Creek in Botanic Park near Morphett Street in the city and in the south parklands. Another trash rack is being constructed at this time at Botanic Creek in Rundle Park.

The Government and the boards have taken a whole of catchment response to the issues that have affected the Torrens for many years. The national, award winning comprehensive management plan has provided funds for more than 125 land-holders to undertake remedial works along the very important riparian zone. That means that we are looking at reducing the materials—certainly the unwanted materials—entering the river system. To improve the river's health, exotic trees and weeds along some 35 kilometres of the watercourse have been replaced with native vegetation. Outside the City of Adelaide, a further eight trash racks have been built and they, in their own way, of course, also reduce the amount of rubbish that flows down through the river.

It is extremely important to also note that community involvement in the clean-up of the Torrens has been essential, and the Clean Water City Education and Remediation Program is aimed at pollution prevention throughout the whole of the city. The Our Patch program encourages community involvement, where we see volunteers cleaning up their own nominated areas, which they call their patch of waterway.

The watercourse that runs through the heart of our capital city has, since European settlement, certainly experienced many changes that come to all rivers that flow in such close proximity to developed environs. Through the actions taken by this Government, the Torrens and the Patawalonga boards and the community, the Torrens River and the Torrens Lake

I am sure will continue to be one of the features that make Adelaide so attractive not only to the people who live here but also, obviously, to the tourists who visit and take great advantage of our clean and green city of Adelaide.

TOUR DOWN UNDER CYCLING RACE

The SPEAKER: The honourable member for Norwood.

Ms CICCARELLO (Norwood): Mr Speaker—

Members interjecting:

The SPEAKER: Order! Does the member for Norwood have a question?

Ms CICCARELLO: Yes. I was just waiting for the conversation—

The SPEAKER: Order! The member will get on with her question or I will call someone else.

Ms CICCARELLO: Can the Minister for Tourism explain why Norwood has been excluded from being part of the Tour Down Under next year?

The Hon. M.K. Brindal interjecting:

Ms CICCARELLO: Perhaps you did it, Mark.

Members interjecting:

The SPEAKER: Order!

Ms CICCARELLO: After staging what was considered by many to be the most successful start of a stage on The Parade in January this year, officials from Major Events and Tour Down Under met with representatives of the Norwood Council for a debrief. At that meeting, the council representative was asked whether Norwood would be prepared to pay $10 000 for the privilege of being included as one of the stages next year. The council officer, very correctly, indicated that he could not give that undertaking and said that it was a decision for the council, because it had budget implications. The council duly discussed the request, agreed to pay the fee and communicated this to Major Events, only to receive a response on 19 May stating that Norwood had not been included in next year's program. I have been told that Port Adelaide and Victor Harbor also have been excluded from the event next year.

The Hon. J. HALL: As the honourable member would be aware, some of the details about the agreed circuit have not been publicly released. At this stage, there are still some decisions on the edges that have not been finalised. Many councils offered support but, with the specific notice on Norwood, I will ascertain the details and notify the honourable member as soon as possible.

KOSOVO REFUGEES

The Hon. G.M. GUNN (Stuart): Can the Premier inform the House of the arrangements in place to welcome refugees from Kosovo to South Australia?

The Hon. J.W. OLSEN: As all members would be well aware, the South Australian Government is pleased to be able to offer a safe haven for those affected by the crisis in Kosovo. I understand that about 130 refugees will arrive in Adelaide from Sydney on Sunday evening. Considering the hardships that they have experienced and the difficulties that they are still facing, I am sure that, as this is a very traumatic time for them all, South Australians will make them feel welcome, safe and comfortable.

As has been previously indicated, the refugees will be housed at Hampstead Safe Haven. Upon arrival, we have arranged for all the refugees to receive health checks, vaccinations and counselling, where appropriate. In addition, the English Language and Literacy Service will provide education and information services to the refugees. It is currently setting up a classroom and resource information centre on site at the Hampstead Safe Haven. Interpreting services will be supplied by the Office of Multicultural and International Affairs. Through its Interpreting and Translating Centre, OMIA has trained extra interpreters to ensure that there will be an adequate number.

The initial settling in period will be, I imagine, very difficult for some of the refugees. In order to try to make them feel as comfortable as possible, the Department of Human Services and the Department of Recreation and Sport have been organising some sporting equipment and board and card games to provide recreation for the refugees. In addition, we hope to be able to organise visits to local attractions, such as the Botanic Gardens and Cleland Wildlife Park, and maybe even some further excursions to Victor Harbor or the Barossa Valley.

I would also like to acknowledge the assistance of the Red Cross in preparing for the arrival of the refugees. It has been involved in coordinating volunteers to assist and organising the provision of material goods. The Red Cross has held information services for over 200 volunteers who want to help. I think it really says something about our community that some 200 people have indicated their willingness, in a voluntary sense, to assist with the settling in and the accommodation of these people. That really is a demonstration of that important quality of the South Australian community of which I am sure we all are very proud: that is, when people are in need, we gladly give them what we can.

The overwhelming support that South Australians have shown for these people, who are experiencing what I would describe as unimaginable difficulties, is something of which we can all be proud. I seek the support of the House and the broader South Australian community to ensure that we issue a very warm South Australian welcome to the Kosovo refugees on Sunday.

DENTAL SERVICES

Mr KOUTSANTONIS (Peake): Can the Minister for Human Services guarantee that, in spite of waiting lists of up to 10 years for dental care, patients are receiving appropriate and proper treatment? I have been informed that, because of the waiting lists at the Adelaide Dental Hospital, dentists are pulling teeth that could be saved rather than performing more complex dental treatment that requires follow-up care.

The Hon. DEAN BROWN: I would like to see the evidence—and perhaps the honourable member could produce some evidence. It is easy to make fairly bold claims, such as the honourable member has done. My understanding is that the appropriate treatment is provided. As I understand it, the honourable member is asking whether there is any evidence that, in fact, teeth are just being pulled deliberately so that patients do not have to have ongoing treatment. My understanding is that that is not the case. However, if the honourable member has evidence to the contrary, I ask him to bring it to me.

GRIEVANCE DEBATE

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

Ms RANKINE (Wright): Yesterday I attended the launch of the Marra Murrangga Kumangka enterprise at Salisbury, the trading name of which will be Marra Dreaming. I have spoken about the Salisbury Aboriginal women's group in this House on several occasions. Yesterday their art gallery and craft enterprise was officially opened, with a wonderful gathering of Aboriginal elders, members of the Aboriginal community, Salisbury representatives, community representatives and skilled and dedicated artists. Sadly, one of those, Phoebe Wanganeen, was missing yesterday. Phoebe Wanganeen is a wonderful woman, well known throughout the Salisbury area and through all of Adelaide in the Aboriginal community. She has provided this group with enormous guidance and wisdom, and helped them stay together through some very trying times, and I would like to place on record my best wishes to her for a speedy recovery, since I understand that she is in hospital.

I was very proud to be there yesterday, because over a long time I have witnessed the long and hard struggle that this group has gone through. I am sure that members recall my talking about the education program that was cut by the Salisbury TAFE, their eviction from their premises and the loss of their equipment. They had to move to a local church hall in the back blocks of Salisbury. Throughout all this, these women maintained a commitment to one another, to their culture and their people, and to the young people. I would like to extend an invitation to all members of this House to visit their premises on Waterloo Corner Road.

Yesterday I saw the amazement on the faces of people who visited the centre for the first time, seeing the skills these people have and the quality of the art and craft they have produced. No-one looked more amazed than the Minister, who had come out to launch the enterprise. I am sure people here remember my raising the issue of these people wanting access to a Government owned building that had remained empty in the main business district of Salisbury for approximately three years. That building remains empty, and yesterday we visited the premises which had no heating, no cooling, no floor coverings, a two burner portable hot plate, and which is located two kilometres from the central business district of Salisbury. I was amazed that the Minister had the effrontery to turn up.

I do not believe that this enterprise will fail: the shy demeanour of the women involved is not an indication of their strength, their determination and their commitment. They have all these qualities and have shown them over the past 18 months. Sadly, the words of commitment that we hear in this House constantly from this Government do not match its actions in relation to these people. We have a Government owned building that remains empty, yet I understand we are paying about $15 000 to rent this privately owned premises which is, as I said, two kilometres from the central business district. I want to offer these women my sincere congratulations. To a large extent, their battle has been won. I am sure they will succeed, but I believe that their success will be in spite of this Government, not because of it.

The Hon. D.C. WOTTON (Heysen): I want to take the opportunity to refer to the National Parks Festival that was held in Belair National Park last Saturday to celebrate World Environment Day. I was delighted to be able to attend this special festival and delighted with what I saw, for a number of reasons. First, I was delighted with the large crowd that was present. My wife and I attended in the afternoon, and I understand that the crowd had been fairly constant all day. I was particularly pleased to see the number of young people participating in many of the activities that were part of the festival. Secondly, I was pleased by the achievements of the National Parks and Wildlife Service in South Australia, which were obviously on show. Those who have the responsibility for the management of our parks so often are criticised but not often enough receive praise for the excellent work they do.

The third area that really impressed me once again was the involvement of volunteers in conservation in this State. I want to refer to only two or three groups, recognising that many groups of volunteers were involved in the festival. I refer particularly to the National Parks Foundation, which is a marvellous organisation. The board members are all involved in an honorary capacity. Fortunately, the foundation is now able to employ a couple of people to assist it with the wonderful work that it is doing, and I will say more about that a little later. The second group of people, of course, are the Friends of Parks in South Australia and the consultative committees. It is always fantastic to see what they are achieving, what they have been able to achieve and the commitment that they all show to the work they are doing. We are very fortunate in this State to have so many people involved in those organisations and prepared to put so much time into the support of our national parks in this State.

The other thing that really impressed me was the support of the corporate sector, a number of members of which were able to support this festival. Optus gave magnificent support through the Optus Walk for Wildlife. The foundation hopes that this will become an annual event on South Australia's environment calendar, as do I. As part of the Optus walk the Patron of the foundation, His Excellency the Governor of South Australia, helped by taking part in a publicity walk around Government House. A number of my colleagues, media personalities and supporters were present to encourage people to become involved in the Optus Walk for Wildlife.

A number of other corporate sector organisations were involved, including: Santos, Messenger Newspapers, Rossi Boots, TransAdelaide, the Passenger Transport Board, Paddy Pallin, 5AD-FM, Gillingham Printers, Venue-Tix, Nicholas Birks, BankSA and, of course, the Department of Environment, Heritage and Aboriginal Affairs, just to name a few. The other member of the corporate sector that deserves recognition is Gerard Industries, which has given tremendous support to research work into the very small population of yellow tailed black cockatoos on Eyre Peninsula. It was altogether an excellent day for the environment and for conservation in South Australia, and particularly important because of the involvement of so many people in a voluntary capacity.

Ms STEVENS (Elizabeth): I speak this afternoon about a function that I attended, along with a whole lot of people including my colleagues the member for Wright and the member for Florey, on Monday night at the City of Salisbury. It was the official launch of the South Australian Youth Entrepreneur Scheme, shortened to SAYES. It was launched with a welcome by Mayor Tony Zappia and remarks by Mr Ray Michell, the head of Michells and a board member

of SA Business Vision 2000 Incorporated. It was a very uplifting occason.

SAYES has been established to assist young South Australians aged between 15 and 26 to develop and implement new ideas and business opportunities. It is an initiative of SA Business Vision 2010, which is a business-led collaboration supported by many community groups, education groups and all levels of government. I understand that there are three SAYES schemes: one in Salisbury; one in Charles Sturt council area; and I think that the third one is somewhere in the south.

These initiatives have been put in place to encourage young people with ideas to start a business or a venture and to provide help and support to enable them to do so. The sort of things that are provided are regular information sessions; free business workshops; mentor support in areas where they may need help such as marketing, finance and legal issues; assistance with preparing business plans; assistance in applying for grants and loans; and other assistance in terms of funding.

At the launch we had an opportunity to hear from two young women, Ms Donna Mason and Ms Rebecca Johnson, who are the proprietors of the Absolutely Fabulous Prop Shop. These two young women spoke about their experience in establishing a theatrical props design, construction hire and sales business. They explained to the people at the launch just what they had done and how they had managed to get themselves established. They handed out their business cards and their attractive brochures and presented a very good picture of where they are going. They mentioned how important it was to have help and support. The most important thing they did was put together a business plan, which helped them to be realistic and to set goals that they could achieve and measure. They demonstrated to all of us how their business had got up and going.

In the audience were people from different agencies such as schools, local government and employer community groups. It is important to congratulate Business Vision 2000 on this initiative. These are the sorts of things that we need to establish in our community to promote innovation, to encourage young people, particularly our young people, to have a go and above all, provide the support to enable them to be successful. This is the way of the future and I offer congratulations to all involved, particularly the City of Salisbury, and I look forward with interest to watching it grow.

The Hon. R.B. SUCH (Fisher): First, I should like to address the matter of litter. I realise that litter is not the most important environmental issue, but it is a significant one. It is time that we looked at some of the containers that end up in the litter stream that are not subject to the beverage container deposit. Perhaps we should consider a deposit on containers not presently covered, such as cardboard containers or plastic bottles, or perhaps we should impose a levy, but something needs to be done to create a so-called level playing field and, importantly, to do something about the problem that arises particularly in connection with takeaway food outlets.

Members would be well aware that, approximately one kilometre away from fast food outlets, the litter is fairly evident. The proprietors or franchisees of those outlets do not appear to be making a concerted effort to do anything about it, and I do not believe that is reasonable and fair that local government and civic-minded people should have to clean up that mess. It would be appropriate for the Government to look at that legislation and either a deposit or a litter levy needs to be considered.

The second matter that I would like to focus on is the cat and dog legislation, which is being reviewed at the moment. From my perspective as a State member, I believe that the dog component of the legislation seems to work well, but the cat component does not seem to work at all. I still get complaints from people in terms of what cats are able to do, and that aspect of the legislation needs to be significantly tightened. At the moment, it is rather *ad hoc* across the State. Some councils are trying to do something, some may have done something but most councils are not doing anything. We have a situation where cats are allowed to roam free, do what they like and be annoying, yet there is no remedy for that behaviour. I urge all members to take note of their constituents and make a submission to the review of the cat and dog legislation.

The other matter that I wish to address is what has become my recurring theme, and that is biotechnology. As someone involved on behalf of the State Government in trying to commercialise biotechnology in this State, I have been meeting with the various university vice-chancellors. To provide an indication of some of the exciting developments that are happening, I will deal today with Flinders University and then subsequently I will refer to Adelaide University and the University of South Australia.

Flinders University has developed significant multi-year contracts with various pharmaceutical companies and other organisations. The university is working on developing salt tolerant eucalypts for environmental remediation and developing drug screening strategies and, because of your background, Mr Speaker, you would be particularly interested in some of the developments that are occurring in relation to drug compounds and what they can do in terms of improving the health and welfare of people.

Flinders University has established Flinders Bioremediation Pty Ltd to commercialise its innovative biotechnology for treating soils and water contaminated with hazardous substances and for waste management. Some projects are under way at Port Adelaide and elsewhere where innovative technology is being used in ways that would not have been thought of years ago. The university is also a member and contributor to three cooperative research centres active in biotechnology, namely, the CRC for molecular plant breeding technology, the CRC for tissue growth and repair, and, most recently, the CRC for bioproducts.

One project focuses on the growth and repair of animal and human tissue following injury using small proteins called growth factors, and that is proceeding very well. The second project uses biopolymers (thickeners and stabilisers) which are used in the production of foods such as yoghurt, and these are being developed and will help the food industry. The third project, which relates to molecular plant breeding, involves developing, testing and implementing effective strategies for cereal and pasture grass breeding. They are some examples of biotechnological research taking place.

Mr SNELLING (Playford): Last Tuesday I travelled to Sydney with the Select Committee on a Heroin Rehabilitation Trial. Late in the evening I had the opportunity to travel around the Kings Cross area with the Salvation Army. I pay tribute to the work that the Salvation Army does. From my experience on Tuesday night, I was very impressed with its work.

Basically, a vehicle travels around to the various haunts of Kings Cross, and the Salvation Army workers offer coffee to the people who live on the streets in the Kings Cross area. That is basically an inducement, since their main purpose is to offer counselling and short-term assistance to these people to offer them the opportunity to enter a very different way of life from the one they are living, and to show them that there is hope and another way of living. If they have an addiction, they offer the hope that there is an opportunity to break that addiction, and that there is a better way of life.

We travelled over the route from 10 p.m. until midnight on Tuesday night, and I was quite startled by the human misery that I encountered. Perhaps the worst thing I saw was a 16 year old girl who was working as a prostitute. She had come from the Gold Coast and had been working as a prostitute since she was 14 years old. Overwhelmingly, it seemed that the male and female prostitutes whom we encountered that night had some sort of substance abuse problem, and generally they came from either an abusive or dysfunctional background.

This afternoon I would very much like to pay tribute to the Salvation Army. I know they do very good work here in Adelaide as well, but particularly I pay tribute to the three Salvation Army workers—the two professional people employed by the Salvation Army to do that work and also the one volunteer—with whom I went out that night. I pay special tribute to the tremendous work that the Salvation Army does, and I particularly wish to thank the Salvation Army officers in Sydney for the opportunity that they gave me on Tuesday.

Mr MEIER (Goyder): Recently a constituent of mine contacted me concerning an incident that occurred at the end of last year. His car had been stolen from one of the towns in my electorate by four kids, as he described them, aged between 12 and 17 years. He telephoned me on the day following a conference he had had with the four offenders.

Whilst he had lost $1 500 in real damages to his car plus additional inconvenience and costs, he had received $500 from those offenders. He asked me who had proposed the idea of conferences and whether I thought it was fair and just that he receive only $500 compensation for a minimum of $1 500 damages to his car as a result of its being stolen. I informed him that the immediate past Parliament had introduced the idea of conferences and that we felt it was a step forward in seeking to address the problems in our community, and he acknowledged that.

But as a result of our conversation, I learnt of the ease with which a vehicle can be stolen. I asked him how his car had been stolen. He said that he had left it in a car park in a particular town and had gone into a business in the evening, and just a matter of minutes later someone reported that one car had backed into another car. People went out of the business and this lad noticed that his car was missing.

When he confirmed to me that it was in a matter of two or three minutes that his car was stolen, I asked whether it had been hot wired, and he said, 'No, they had a key that fitted my car.' I found that hard to believe. He said, 'Believe it or not, I have found over the last few months that the key to my car fits three other cars of the same make.'

Mr Lewis: What make?

Mr MEIER: I will not disclose the make to the Parliament because I do not think it will help the situation, but it is a real concern if one key can fit quite a few other cars. That upset me a little, and I suppose I had heard it in earlier days when I owned cars that probably could be stolen fairly easily, but he then said that one fellow who had recently been in prison for car theft apparently came out and had a master key that he believed would fit any car of that particular make. I am very concerned that there are such things as master keys and that literally your vehicle is unsafe anywhere and at any time if a person who has perhaps served time or who has access to that master key can help himself.

It is time that we did something to redress this escalating problem of car theft. I am referring not necessarily just to South Australia but to Australia as a whole. I noticed from one of its bulletins issued last year that the Australian Institute of Criminology was calling for a partnership between the States to address the issue of car theft.

In fact, in Australia in 1996, some 122 000 vehicles were stolen, and Australia continues to have the second highest theft rate behind the United Kingdom amongst developed nations. Without doubt, older cars are more likely to be stolen, but it is costing insurers some $650 million per annum, and it costs the community more than $1 billion. Apparently, it is the 14 to 20 years age group that is responsible for the major number of car thefts, and often car theft in early adolescence seems to be a key indicator of an escalation in offending behaviour through adolescence. It is time something was done about this issue.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): I move:

That the committee have leave to sit during the sitting of the House today.

Motion carried.

STAMP DUTIES (CONVEYANCE RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 1486.)

Mr FOLEY (Hart): This Bill is tied into the budget and, as is the Opposition's stated position on budgetary matters, it will have our full support. This Bill is one of those little sleepers that has got through without a lot of public attention, but it is a revenue raising measure of the order of $7.5 million to $8 million. In the normal course of events, I would use this opportunity to launch a stinging attack, yet again, on the Government's big spending, high taxing budget. However, given what will follow through the course of the afternoon, I think that I will reserve my energy for other debates and spare my lungs and throat from terrorising the Government over its sloppy budget—its tax and spend budget.

It is a tax and spend budget of the highest order, as it had to be to plug all of these holes: $141.5 million for the emergency services levy; increased fees and fines; another six radar cameras, and this and that; and, of course, $8 million of stamp duty. It is fair to say, though, that this particular stamp duty measure applies to property values between $500 000 and $1 million. Not many Labor voters will be affected. Perhaps some members opposite will feel the sting but I do not think that too many members on this side of the

House and their constituents will be aggrieved by this tax impost. The Opposition will support the Bill.

I suspect that my colleague the shadow Minister for Finance (Hon. Paul Holloway) might raise with the Treasurer in another place—and this is perhaps a bit academic; I am not absolutely certain of the status of Commonwealth-State negotiations over the State financial packages—that one of the agreements the State Premiers arrived at with the Prime Minister in relation to the GST was that a whole raft of stamp duties would be removed, although they were business stamp duties and would probably not affect this, anyway. I would be interested to know how this measure affects the Commonwealth-State agreements on a raft of stamp duties.

As I said, it is a minor point that can be raised elsewhere and, no doubt, a proper answer can be given. In accordance with the ALP spirit on budgetary issues, the Government can have its taxes but, as we will do with all of its taxes in its budget, we will remind the electorate at the appropriate time, and that will be at the ballot box in two years.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank the member for Hart for his contribution. The honourable member is correct in saying that the increased rates of duty apply only to amounts above $500 000. It is expected that the rates would mainly affect commercial property transfers and, in fact, very few residential contracts would be affected. Also, the stamp duty payable on $1 million properties continues to be lower in South Australia relative to, for instance, Victoria, Western Australia and Northern Territory. For property values of $5 million and above that stamp duty will continue to be lower in South Australia relative to other States, including New South Wales, Victoria and the two Territories. I thank the Opposition for its support of this Bill.

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

STATUTES AMENDMENT (FINANCIAL INSTITUTIONS) BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 1423.)

Mr FOLEY (Hart): I realise now that, in the previous debate, I had a great opportunity to attack the Government on its tax impost on business and the silence from business in this area but my mind is elsewhere at present with the electricity debate soon to take place in this Chamber. This Bill is also subject to much speculation in terms of what the States and the Commonwealth may agree to in terms of which taxes will be abolished and which will be extended further before they are abolished. This Bill relates to reform in respect of cheques and payment orders the Commonwealth has put in place to encourage competition in the area of financial services.

The Bill also relates to the FID impact on cheques to ensure that the situation is dealt with efficiently. This is a fairly straightforward piece of legislation which ensures that FID is continued to be collected, as it should be. It is a measure the Opposition supports and we are happy to see the Bill proceed to the third reading.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank the member for Hart for his support and contribution. Where previously credit union cheques had a separate financial institution identification, building societies will now be able to draw cheques on their own financial institution or on the financial institution special service provider. The practice of drawing cheques on a bank through agency arrangements, as is currently the case, will now change. That is the most important area of this Bill. It encourages competition between the identities in the banking sector and certainly allows the rates of building societies and credit unions to be more comparable with those offered by the banks. I support this Bill.

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

ROAD TRAFFIC (DRIVING HOURS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 1513.)

Mr ATKINSON (Spence): The Bill is part of national uniform legislation to regulate the hours that drivers of commercial vehicles may work. South Australia is the first State to legislate. The Bill applies to vehicles of more than 12 tonnes gross vehicle mass and to buses with capacity to seat more than 12 people. The Bill provides that no worker in the industry may work more than 14 hours a day, and that is defined as driving a vehicle or working in the yard, a combination of both. The Bill also provides that a worker must have one day off in seven. The purpose of the Bill is to avoid overworking transport drivers, to avoid their falling asleep at the wheel and harming themselves and others on the roads and to try to avoid the need for drivers to use stay-awake drugs to keep them working outrageously long shifts.

The Bill provides for the hours that drivers work to be logged by the drivers themselves. Some would like driver-specific electronic-monitoring devices to be used rather than logbooks relied on, on the basis that logbooks might be fiddled. I understand the Bill has a provision for driver-specific electronic-monitoring devices to be used, should devices of sufficient accuracy be devised. For all I know they may have already been devised, but the Bill certainly provides for them to come in in the future as a way of monitoring compliance with the Bill. The Opposition is happy to support the Bill.

The Hon. DEAN BROWN (Minister for Human Services): I want to say how much I appreciate the comments and the support from the Opposition on this Bill. The Bill clearly is one that is of benefit to the State. I thank them for their support on the legislation.

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

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

A quorum having been formed:

ABORIGINAL LANDS TRUST PARLIAMENTARY COMMITTEE

Adjourned debate on motion of Mr Wright:

That this House expresses its regret that the committee has not met since November 1996 and condemns the Minister for Aboriginal Affairs for not providing an annual report to the Parliament in 1998 as required by legislation, and calls on the Minister to convene a

meeting of the committee forthwith and provide the annual report as a matter of urgency.

(Continued from 25 March. Page 1282.)

Motion carried.

RETAIL AND COMMERCIAL LEASES (TERMS OF LEASE AND RENEWAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 1833.)

Mr ATKINSON (Spence): I support the Bill, which was brought before the House by the member for Gordon. Since I have been in the House, there have been many debates on the rights of shopping centre tenants, and this Bill is an occasion for another debate. When it comes to the rights of tenants in shopping centres, it is only the Australian Democrats, the Independents and the Parliamentary Labor Party who are willing to stand up for them, because whatever goodwill there is on the Government side towards small retailers is negated by the Attorney-General, who is a landlords' man. Members opposite who have supported the rights of small retailers over the years, such as the member for Hammond, the former member for Florey and the former member for Kaurna, will know that whatever efforts they have made on behalf of the small retailers have always been vetoed in the Party room by the Attorney-General.

I think it was only three years ago that a select committee on this matter, together with a further Bill, resulted in shopping centre tenants winning the all important right of preference upon re-letting of their premises in a shopping centre. The Attorney-General and the Liberal Party resisted that change but we managed to get it into legislation applying only to new leases. So, if you wrote your lease after, I think, 3 February 1997, you got the advantage of preference upon re-letting. To make myself clear, I mean by preference upon re-letting that, when the shopping centre lease comes up for renewal, the landlord should give the existing tenant the right of preference unless there was some compelling reason that the landlord had to remove the tenant from the tenancy. If one has a tenancy in a big shopping centre, the whole of one's business hangs off one's tenancy. In most cases, one cannot take a retailing business in a major shopping centre, have one's lease terminated, go onto the street or into a strip shopping centre and expect to write the same amount of business or very much business at all.

Shopping centre tenants rely very much on the continuation of their tenancy, and the lease renewal can be held over them by their landlord. That right of preference was a very important one but the Attorney-General, the Hon. K.T. Griffin, made sure, being a landlords' man, that it applied only to leases written after the Act was proclaimed and came into effect, and I understand that was 3 February 1997. But many shopping centre tenants have quite long leases—five years by five years or perhaps five years by five years by five years—and they would not get the benefit of this provision until their lease, written before 3 February 1997, ran its course. The Bill before us, which was introduced by the member for Gordon, applies the preference upon re-letting clause to all shopping centre leases current in South Australia. The Opposition thinks that is a good thing. We supported it when the Bill was debated but we were not able to get it into the legislation applying to all leases, because the Attorney-General would not have allowed the Bill to become law in that form.

The Bill also ensures that the tenant can see the true cost of the outgoings claimed from him by the landlord. It introduces a cooling off period of five days before a lease is signed. With a five plus five lease, a tenant who was having difficulty negotiating a renewal with the landlord could hold over for up to six months unless the landlord could demonstrate that he had a genuine alternative tenant ready to install. If the landlord insisted on relocating the tenant within the shopping centre and gave the tenant more than 10 per cent extra floor space without the tenant's requesting it, the tenant would not be charged for the extra space.

The Bill also seeks to have the landlord reimburse the tenant for the cost of a forced relocation during a shopping centre redevelopment and for lost profits caused by relocation. The Bill further seeks to tie landlords to demanding only bonds of a maximum of four weeks' rent rather than the bank guarantees which they currently demand of some prospective tenants.

These are all worthwhile reforms and they are supported by the Parliamentary Labor Party, the Democrats in another place and the Hon. Nick Xenophon. That is why these amendments are before us in a Bill. There is only one way that these beneficial amendments will be defeated and that is by the Liberal Party's voting against them. I appeal to the Parliamentary Liberal Party to support this Bill introduced by the member for Gordon and to join with the Parliamentary Labor Party in doing something worthwhile for shopping centre tenants that does not substantially infringe on the rights of ownership of landlords.

Mr MEIER secured the adjournment of the debate.

JETTIES

Ms HURLEY (Deputy Leader of the Opposition): I move:

That this House calls on the Minister for Government Enterprises to guarantee continued safe public access to jetties for recreational purposes, including fishing.

Just recently, the Minister for Government Enterprises announced the intention of this Government to sell yet another important infrastructure asset of South Australia: the Ports Corporation. That would mean that all the ports owned by the Ports Corporation around South Australia would be sold to private interests. I personally oppose the sale of such assets. We have no firm proposition in front of us yet—no detail about the structure of the sale and no detail of how it will be offered to sale. I understand that discussions are taking place with various local governments and interested parties around South Australia to talk about some of the great difficulties that arise from this proposed sale.

I moved this motion because I want included in those discussions the issue of public access to those jetties owned by the Ports Corporation to which we currently enjoy relatively free access. Not all jetties have access. Outer Harbor, for example, is closed off to public access because of safety considerations, and I understand that Port Giles is also closed during certain hours and when ships are in the port, also for reasons of public safety. Obviously, we all understand that, so I have not in my motion called for open access to jetties, but safe access, where that is possible and where that is desirable. I call upon the Government to ensure

that, in its discussions on structuring the sale process, this issue be considered as a matter of importance.

If these assets are sold into private hands (and I hope that they are not), the issue of public liability will be a great one for the private owners of these assets. There may be insurance considerations; there may be the possibility of being sued by a member of the public who accesses one of the jetties and gets hurt. The sense of obligation to the community held by the Ports Corporation may not be passed onto a private company that operates for profit. I understand that, for example, SACBH may be interested in purchasing some of these ports that might be for sale and, in that event, I would expect SACBH to show that sense of community and to allow access where possible. However, this may not be the case with respect to all private companies who are interested in these ports. It is very possible that these companies might simply fence off the ports. It would be easier for them to do that—there would be less worry and less expense: they will fence them off and not allow public access to these jetties.

I suppose that some of the most important jetties involved would be Port Giles, Wallaroo and Port Adelaide. I have been to the Wallaroo jetty many times and, while I am not a keen fisherman, I must admit (mostly owing to my lack of success in that sport), I do enjoy walking along the jetty and sitting watching my husband and son fish. I have noticed many other people engaged in the same occupation. Fishing is a very important leisure activity, and jetties are a very important part of that activity for those fisher people who are not able to afford boats, for example, or those who simply want a quiet evening or morning sitting near the shore on the jetty trying their luck. It is also very important for tourism, particularly for a town such as Wallaroo. Wallaroo's jetty is a very impressive and much featured part of the Wallaroo townscape. It is a long and beautiful jetty and it is well used. It would be such a pity if access to this jetty was in any way unnecessarily restricted by this sale process.

So far, the Minister has not given an indication that this is an issue of importance to him. He has refused to ensure that there will be public access to these important South Australian assets, and he refuses to recognise the importance of recreational fishing in this whole process. As I said, we are willing to make allowances where there are safety considerations, but it is very important to these small towns—very important to Port Adelaide even—that the public has the ability to walk around these jetties and that tourists have the ability to have access to these jetties and to appreciate the beauty of our coastline from the jetty's edge. To unnecessarily shut off these jetties and restrict that access that people so enjoy now would be perhaps a minor, but certainly well felt, casualty of the continued privatisation by this Government. I certainly hope that any proposal to sell the ports will come before this Parliament so that we will have an opportunity to debate the matter and have some say in it. But that is not clear.

The Opposition certainly calls on the Government not to proceed with this process of sale of these important South Australian assets. But if it does, through this motion I ask the Minister to consider the interests of the public, the community around these towns, the tourists who visit these towns and also the recreational fishermen, who seem to have been very much under attack from the current Government and who feel it very keenly. There are a great number of recreational fishermen in South Australia. It is a very common, well loved sport, which is relatively cheap and easy to get into and which provides a great many hours of leisure for many people. I am sure that no-one in South Australia would like to see this activity limited by restricting access to these jetties.

I certainly hope that I am supported by Government members who represent the towns where these jetties are sited. I am aware that this matter is very important to the people of towns such as Port Giles and Wallaroo. I hope that their local members are aware of the importance of jetties for their constituents and that they will support this very important motion.

Mr MEIER (Goyder): This motion is very close to my heart, because three out of the 11 jetties that are affected by the proposed sale happen to be in my electorate. I think that one of the key words in this motion is the word 'safe'—'guaranteed continued safe public access to jetties'. Without question, I will seek to do whatever I can to ensure that public access to jetties is guaranteed. In fact, only yesterday and the day before I distributed petitions in the town of Wallaroo asking that, in the case of any sale or lease of the Wallaroo jetty by the SA Ports Corporation, included will be a guarantee by the successful bidder to maintain free public access onto the jetty throughout the year. Wallaroo relies so much on its jetty, as many other towns rely on theirs; they are very important.

The key thing in this motion is the word 'safe'. I well remember when the Labor Government was in power, and the then Minister was Bob Gregory. We had an incident on the Wallaroo jetty where a gentleman who was fishing had his fishing rods lying on the jetty in such a way that the Marine and Harbors vehicle could not pass. The driver of the Marine and Harbors vehicle said to the gentleman fishing, 'Excuse me, I need to get my vehicle up the jetty; would you mind moving your fishing rods, please?' Apparently, the response was fairly explicit expletives, so the driver said 'All right: I will drive through,' and he drove over the fishing rods.

Marine and Harbors was sued by the man whose rods were driven over, and guess who won—the chap who had had his fishing rods driven over. As a result of that, the Minister said that Wallaroo jetty was going to be closed. I as local member went straight to Bob Gregory and said, 'You can't close Wallaroo jetty.' He said, 'I'm sorry, John, but we have to look after the interests of our people. It's a commercial jetty. We have to guarantee their safety, and you only need one person to abuse it.' Thankfully, the Minister was not able to carry out the closure and negotiations occurred, but ever since that time threats of closure have been made against the Wallaroo jetty. To help combat that, a few years ago I was successful in pushing for a walkway to be constructed on the jetty, which is there now. It allows access to the spur jetty at all times.

I am very pleased that it is there, because the threats have continued. In fact, only in the past year or so the Manager of PortsCorp said to me, 'John, I'm afraid we're going to have to close the end section of the Wallaroo jetty from where the sheds commence.' I asked why, and he said, 'Because the number of fires that are lit at the end of the Wallaroo jetty at night is such that we are scared that one day we will wake up and half the jetty will have burned down.' I said, 'Surely we can have proper policing for that.' I told him that he would be having a fight with me as local member if he tried to close it. Thankfully, nothing further was done, but I am acutely aware that, if a fire started and the jetty was burned down, I would have to accept some of the blame for having ensured that it continued to be open.

Recently, a gentleman told me that he walked up the jetty with his father, an older gentlemen, who apparently tripped over one of the spikes that was jutting out and fell head first on to the jetty. Whilst he was shaken, thankfully there was no serious injury. Can members imagine the situation if that older gentleman decided to sue PortsCorp? He probably could get tens of thousands of dollars in compensation. That could apply in any situation, so the safety factor is the one big problem, and I acknowledge that. At present, PortsCorp is threatening to close jetties left, right and centre, so we do need something put into any sale document to ensure that access to the jetties will continue.

I realise that each jetty is handled differently, and that Port Adelaide is basically closed these days anyway, although I am not at all familiar with that. In the case of Wallaroo, some of the locals have said to me that they are prepared to set up a Jetty Watch program, and they already have 10 people prepared to be available on a daily basis to patrol the jetty, because it is only a few people who seek to muck it up for the rest of the honest citizens of this State. There is no doubt that this whole issue has to be carefully considered. In my electorate it is not only Wallaroo but also Port Giles. I realise that Port Giles is basically shut when ships are in, although it is still open when no ships are in. Again, it is very inconvenient and has affected the number of people who go there.

In the case of Klein Point, that is somewhat isolated from any close town and, because Klein Point is a private quarry, I am uncertain as to how many people use that jetty for fishing. I assume that it would be a minimum number but, nevertheless, I hope that public access can continue there. At least the Government has undertaken a major step in offering the rest of the recreational jetties in South Australia to local government. In the case of Yorke Peninsula, something like $2 million was given to local government to bring them up to scratch, and the District Council of Yorke Peninsula is absolutely delighted with the deal. Because it is able to do the work itself, it has brought many of its jetties up to a high standard and hopes to do that for the remaining jetties. So, it is an issue that needs to be considered further.

The importance of public access to commercial jetties is a matter that the Parliament must consider, but I would like to emphasise that it needs to be free public access. It was pointed out to me in Wallaroo during this last week that in Victoria or New South Wales they are now starting to charge for access to jetties. In one situation where they were previously charging $1 per head, that has now gone up to $5 per head to get on to the jetty. One can imagine a family of, say, five—mum, dad and three kids—wanting to pay $25 to have a quick walk up the jetty. No-one would pay it. I do not want to see that come in, either. There may well need to be compromises. Perhaps when ships are loading or unloading, access will be restricted. Wallaroo has gone through that for the past few years and we are used to it. Thankfully, we have the walkway so we can have access to the spur jetty 24 hours a day.

There may need to be other compromises. If a community is prepared to set up a Jetty Watch committee, that also will be considered and, therefore, will guarantee access to the jetty. I must admit that I cannot speak for the other jetties around the State. I would say, however, that it upsets me, as was reported in the *Country Times* of 28 April, that the Labor Party has sought to scaremonger about the possible closure of jetties. That article quotes shadow Primary Industries Minister Paul Holloway as saying that, if the State's commercial jetties and wharves are privatised, the new private owners may end access for fishing. Mr Holloway said that the Olsen Government has already said that the sale of the State's ports would be unconditional and that it cannot guarantee that all ports will remain open.

I hope that I have brought to Parliament's attention the fact that maintaining access to the jetties has been an issue for many years. I guess it goes back a good 10 or more years when Labor was in power. Labor tried to close some of the jetties and I as a Liberal had to fight hard to keep them open. So, let us not play politics about this: let us keep it fair and even. I get a little upset when I read those comments in my area. So far as I am concerned, the Hon. Paul Holloway can stay well clear of my area. I do not mind the honourable member opposite (or any other member) coming and enjoying his holidays, because I know that he appreciates it and does not abuse the privilege when he is there. But Mr Holloway, so far as I am concerned, can stay out of this altogether and not try to upset people.

Mr Clarke interjecting:

Mr MEIER: Unfortunately, the honourable member is right: it is his electorate, too. That is an issue I will not go into. Whatever the case, safe public access to jetties needs to be further considered, there is no doubt about that. It has been a problem for many years now and, seeing that the jetties will be sold, I hope that something specific can be written into any sale contract.

Mr CLARKE (Ross Smith): I support the motion. As the member for Goyder knows only too well, I am a frequent visitor to Wallaroo. I use the Wallaroo jetty with my daughter on every summer holiday up there. In fact, she caught her first fish on the Wallaroo jetty! So, I am a very strong supporter of the Deputy Leader's position that there should be continued safe public access to all our jetties. Our beaches are a very important tourist drawcard. If there was no easy, public and free access to the Wallaroo jetty, I would say that tourism in that town would die quickly, and the same can be said for Port Hughes, Moonta and elsewhere throughout the State where citizens enjoy their annual leave.

Of course, it is not just when they are on annual leave that people enjoy the jetties, because on any suburban jetty at any time of day or night and in any weather, people can be found fishing or strolling up and down. A jetty is a promenade. On our hot summer nights, when we have seven days or more in excess of 35°C, for those of our citizens who do not have air-conditioning, the jetties can help bring much needed relief, and some people sleep there overnight whether or not they are fishing.

Mr Lewis: It used to be underneath, though.

Mr CLARKE: As the member for Hammond pointed out, sometimes people would sleep under the jetty. The points made by the member for Goyder do not address the issue raised by the Deputy Leader. A Government Minister has said that the Government wants to sell the Ports Corp and, as far as he is concerned, he will not drive down the price that is being sought for the Ports Corp by putting in caveats that there will be free public access to those jetties, even after they transfer into private hands. That is what the member for Napier has put forward in this motion.

We hope that the Government does not sell the Ports Corp and we will try to frustrate it with respect to that issue. However, if it does, it should be an upfront condition that we will not go the way of the United States and elsewhere where there are private beaches. The best beaches are bought up by private entrepreneurs and access is denied to a large range of

people who cannot afford to buy their own plot of beach. Even if the Ports Corp transfers into private hands, the traditional right of every South Australian and Australian who wants to walk on our jetties, provided they are safe, should not be inhibited. If they wish to fish from the jetties, they should not be inhibited from doing so and they should not have to pay a charge to do so, just because they have passed into the hands of a private entrepreneur. If a private entrepreneur does not like those conditions, he does not have to bid for them, and that should be a condition of sale.

I urge the House to support the motion. This Government and its members are capable of doing anything and supporting the most idiotic positions imaginable, but I hope that out of sheer common sense and a desire to save their own political skin they will support this motion and insist on the Government Minister concerned writing in such a caveat in any sale. If they do not and if just before election day we put out tens of thousands of leaflets and advertisements saying that as a result of another act of privatisation people will have to pay a $5 entry fee to take their child onto a jetty to fish during the summer holidays in the year 2001, no Government members will be left. That might be well and good from our point of view in terms of Party political posturing and taking advantage of it, but it would set a very dangerous precedent for the public to be denied their rightful access to what is their asset already.

Mr LEWIS (Hammond): I move to amend the motion, as follows:

Delete 'Minister for Government Enterprises' and insert 'local government body in the area the jetties are situated'.

We strongly support local government in its provision and initiative in determining what infrastructure it seeks to put in place and maintain to support and enhance tourism in its locality. We have done that with a couple of million dollars. I strongly support the remarks that have been made by the member for Goyder, the observations that have been made by the member for Ross Smith and the remarks made by the Deputy Leader in moving the motion.

Jetties are a unique part of our life. Other States do not enjoy so many. They come from our rich history of success at growing very large quantities of grain in the adjacent hinterland and providing the means by which that grain can be efficiently transported across the gulfs to larger ports or, even in earlier times, not so much across the gulfs but being loaded into windjammers directly for shipment to the markets of the northern hemisphere. As it stands, they are a heritage which the communities have had in consequence of the need that arose out of the necessity to shift our export produce away from the farmlands on the peninsulas and elsewhere on our coastline.

We were blessed with that coastline, enabling us to open up large areas of land without long land haul distance between the farms and the jetties. It made us very prosperous in our earlier years of settlement when we did not have the benefit of high rainfall or of rich mineral deposits to sustain us beyond what we got from the copper boom and then perhaps our share of what came out of Broken Hill. That is very important in the context of the proposition before us because now, with that heritage, people have acquired cultural mores or patterns of behaviour which enable them to enjoy the benefits of informal recreation and unstructured activity as individuals and families that can be undertaken on jetties, more particularly than perhaps any other way.

They do not have to be able to afford a boat. They need only to be able to afford a hook and line and they can get their bait and go fishing. They can use jetties in the way that the member for Ross Smith mentioned, that is, to promenade as well as go fishing with children, whether their own children or other people's children, or just go fishing alone. The great benefits which come in consequence of such relaxation are very important to reduce stress levels in society as well as then ensuring sanity from person to person. We are all different but in that respect the vast majority of us derive great benefits from doing it.

However, it is not appropriate for us as a State Government to continue to employ people in Government owned motor cars or other vehicles to drive around the outports of South Australia, there by the score, to examine whether or not the jetties are in good repair and then send some work crew out to do whatever maintenance work is necessary. That is a very expensive way of doing it. I illustrate that by referring to the kind of expense incurred to fix a tap washer in a teacher's house at East Murray in 1980. It cost $180 in 1980 to do that because, after a report by a teacher, an inspector went out from Adelaide in a four wheel drive to the teacher's home, examined the tap and found that it was leaking and needed to be fixed. So the inspector drove back to Adelaide and sent out a plumber.

Mr Venning: Was he a drip?

Mr LEWIS: I do not know whether the inspector was a drip or a gusher. I tell you that it cost some money. The plumber went to fix the tap but found on arrival that it was a very old tap. It had not operated at mains pressure; it was from a reticulated supply from a tower nearby and the head pressure was only about 30 feet, which is roughly 12 pounds per square inch.

Because that was an old tap and he did not have either a replacement tap with the right thread or a washer that fitted that tap, he came back to Adelaide and another plumber went out the following week. Unfortunately, he got lost, so he had to stay overnight in the hotel. He could not find the house the next morning but used half the wit that he did not have—he didn't have a wit, so he couldn't use half of it—and eventually discovered its location by asking somebody where to go. When he got there he replaced the washer. The pity was that, by replacing the washer he had procured for the tap, it had already perished, so just one year later it had to be replaced again, and that required the tap to be replaced. It cost $180 the first time around.

I make that point because it simply illustrates for us as taxpayers that we will get better value for our money if we give grants to local government and leave the responsibility for them to keep tabs on it and give the job to a local contractor or the Apex club to fix a busted timber, replace a rusted bolt or whatever else needs to be done along the way in doing it. That way we will keep our jetties. Any other way, we will do what the previous Labor Governments attempted to do and that is close down several of them because they said they could not afford to fix them. Altogether it was a nonsense to proceed the way we were going.

I therefore commend the member for bringing to our attention the necessity to make an arrangement that will be acceptable in perpetuity and trust that she will see the good sense of the suggestion that I am making to hand it over to local government and to make a cooperative arrangement with local government to continue to provide councils with some grant funds to maintain it. Jetties are important to tourism, and it will become part of the renowned South

Australian lifestyle that the world is beginning to discover under our increasingly effective marketing strategies over the last few years, which I acknowledge did begin under Mike Rann, the current Leader of the Opposition, although the program was a bit of a drip.

Drips aside, I want to ensure that the jetties remain, and that we do have an effective, sensible arrangement for their maintenance in perpetuity, and I commend the motion to the House.

Ms KEY secured the adjournment of the debate.

WINE EQUALISATION TAX

Adjourned debate on motion of Ms Hurley:

That the House notes that the—

(a) Federal Government through the proposed 29 per cent wine equalisation tax (WET) intends to effectively increase the current 41 per cent wholesale sales tax on wine to a 46 per cent tax rate equivalent, raise an additional $147 million in revenue and tax cellar door sales;

(b) increases in wine prices caused by the introduction of WET contradicts the Prime Minister's assurance that prices will not rise by more than 1.9 per cent under the GST;

(c) wine industry estimates that the proposed tax would cost 500 jobs nationwide and will have a disproportionate adverse effect in South Australia, including small wineries; and calls on the Federal Government to reduce the WET proposal to the revenue neutral rate of 24.5 per cent and provide exemptions of at lease $100 000 for cellar door sales, tastings and promotions.

(Continued from 3 June. Page 1615.)

Mr VENNING (Schubert): As the member for Schubert and also representing the Barossa Valley and its regions, and previously the Clare Valley, I am most concerned at the Federal Government's proposed tax structure on wine and the expected extra impost of approximately $146 million. As members know, the Barossa Valley is the major premium wine growing region in Australia, and certainly in South Australia, and to put any further taxes on the industry is totally unacceptable, particularly when the Federal Government said during the GST debate in the run up to the 1998 Federal election that 'No section of our community will be worse off under a new GST tax regime.'

The Barossa is booming, as we all know, and we want to keep it that way. Job opportunities continue to grow in the region, which is directly attributable to the success of the wine industry. I will not see that jeopardised in any way, shape or form. To see the concern of both the grape growers and the wine makers should be a wake-up call for politicians to reconsider the matter. I feel it is totally preposterous for the Federal Government to implement a 10 per cent GST on all wine sales, including cellar door, and then add on its wine equalisation tax (WET) of 29 per cent. In some instances bottled wine would be hit with a 22 per cent tax increase on top of that currently levied.

The Federal Treasurer acknowledges that there will be a tax increase. My information source is the Wine Makers Federation of Australia Inc. However, to be told that other benefits will offset this increase can only be classed as nonsense. I believe that the onus should be the other way around: bring in the new GST, plus the 24.5 per cent WET tax and see how that pans out. If there are other advantages to the industry, then—and only then—should we consider an increase to level out at the higher level.

The wine industry is a real success story as we all know. I will be doing my utmost to see that nothing hinders this success, particularly when it comes to tax hikes. The wine industry has seen tax on its products increase from 0 to 41 per cent on wholesale value in the past 15 years. That is not a bad hike, and still winemakers can prosper with that burden hanging on their shoulders, but I believe enough is enough. The wine industry underpins the economy in South Australia and its exports are a major earner for Australia. The industry is performing extremely well, but we are seeing some signs of a levelling or plateauing of that success. Certainly for many years yet we will enjoy this success. Any increase above the current tax levels will be a burden that will cool this success and check enthusiasm for increased investment and, hence, development and, most importantly, jobs in a regional area where it matters most.

I know that the Federal Government is listening. I have made direct representations to the Federal Minister. My local Federal member, the Hon. Neil Andrew, who happens to be the Federal Speaker—

Mr Meier: A good member, too!

Mr VENNING: And a very good member, as the member for Goyder points out, who understands the situation very well. I have appreciated the support of the Premier and Deputy Premier in an effort to have the lower level of 24.5 per cent implemented as the WET tax, and they have both made public comments about that. They are listening and I am quietly confident they will act, but we must keep up the pressure. It is vital for South Australia that we do. You do not milk an industry—and I believe that is what some are trying to do—because of its unparalleled successes. We should promote further success with incentives, not cool it with a disincentive such as this.

I have a lot of sympathy for the motion, but I would support an amendment which has not yet been indicated. It would be better if we changed a few words, so it more accurately reflected the position. I do question the figures contained in the motion. I am wondering how the mover selected the figures, particularly the figure of $100 000 for cellar door sales. I am not confident about that figure. Certainly, some work will be done in the near future. I will certainly support the motion if it contains the correct figures. I was also very pleased that the industry—

Members interjecting:

Mr VENNING: We will certainly sort that out and see how we go. I am pleased that the honourable member has moved the motion. Certainly I have a lot of sympathy for the motion and, in the end, will probably support it.

Mr MEIER secured the adjournment of the debate.

STUDENT UNIONISM

Adjourned debate on motion of Ms White:

That this House—

(a) is committed to ensuring that South Australian university programs and students are not disadvantaged and is therefore opposed to voluntary student unionism; and

(b) recognises the valuable contributions that student organisations make to academic studies, acknowledges that university community encourages participation and development of tomorrow's community, social and business leaders and supports the universal contribution of all students in recognition of the services which are provided for the benefit of all students.

(Continued from 27 May. Page 1473.)

Ms WHITE (Taylor): I continue my contribution of 27 May on my motion against voluntary student unionism.

The Hon. M.K. Brindal interjecting:

Ms WHITE: The Minister asks me to recap my previous contribution, so I will do that. On 27 May I read into *Hansard*—

Mr Lewis: That's prolixity.

Ms WHITE: What the hell is that?

Members interjecting:

Ms WHITE: My purpose in moving this motion is to make a clear statement to the students and university communities of South Australia that we oppose voluntary student unionism. The Liberal Party in this State has hedged on this issue. It has, over several years, distributed a letter to all student associations which gives the impression that it opposes voluntary student unionism. This motion places on record that opposition. Members will notice that the motion picks up identical wording from that letter, which was distributed by the Liberal Party in the name of the Deputy Premier on 5 May and which was sent to South Australian student associations.

It also picks up the discontent of university communities about this move right around the country. Why now? Because South Australian universities are established under State legislation and the State Government has the power to introduce voluntary student unionism, as has happened in Western Australia, and I will talk a little about the effect that that has had. The Federal Liberal Party introduced legislation, which has been delayed and which will be debated shortly, to introduce voluntary student unionism. However, given the strong promises by the Liberal Party in South Australia that it wants to protect South Australian university communities and services by opposing voluntary student unionism, this State Liberal Government did not bother to make a submission to the recent Federal Senate inquiry into voluntary student unionism—no submission at all.

On the one hand the Liberal Party is trying to give students the impression that it will stand up for them and not introduce voluntary student unionism, yet on the other hand it refuses to take a stance. In fact, the letter from the Deputy Premier—which is exactly the same letter in relation to student unionism that has been sent by the Premier on another occasion and two former Ministers at every election—very carefully uses words such as 'at this stage we will not introduce voluntary student unionism'. So, what is at risk? Student associations, guilds and unions, whatever one wants to call them, are some of the most important organisations on campus. They have an enormous effect on campus life.

That point has been made by vice-chancellors, academics and most media commentators around Australia. They provide a wide range of services, and I will list for the House some of the services they do provide. They give students a voice in the way universities are run, through student participation on university councils and council boards. They subsidise food and drink, stationery and second-hand bookshops with, I might say, any associated profits going back into servicing students. They enrich campus life by supporting clubs and societies and bringing bands and other cultural activities to university campuses.

They support sporting facilities: ovals, gyms, tennis courts, university theatre, academic and legal counselling for students, child care facilities, accommodation and employment assistance and they run most of the 'O' Week activities. Where voluntary student unionism has been introduced in Western Australia, for example, student associations have lost 75 per cent of their income and have had to massively cut back on their services. Some campuses in Western Australia had to close child-care services, for example. The sporting, recreational, social and cultural services at those universities had to be propped up by university funds, which are supposed to be for teaching and research, not for the services.

Universities do not have the funds to provide these services: student union contributions do that. Regional campuses will be affected where students particularly rely on services that are offered by those associations for their campus life. The Federal legislation clearly is an ideological attack because the Liberal Party feels that the current dissent on university campuses, as a result of university funding cut backs, must be squashed. The Federal Government is attacking the organisations or the students because they have protested.

Mr Lewis: No, that is paranoia.

Ms WHITE: That is exactly what has happened. But what the Government is attacking is the capacity of the universities to provide these services. Universities cannot afford to subsidise the students. The Australian Vice-Chancellor's Committee said the following about voluntary student unionism:

> Student associations are highly effective organisations for running services for the benefit of students. If the Government's legislation undermines the funding base of those organisations it will mean that the services which they provide will no longer be provided on campuses and this will have a very negative effect on the quality of student life.

In the *Australian* of 5 May, Alan Ramsay quoted the case of former Chief Justice, Sir Gerard Brennan, who was very scathing. I do not have time to read his contribution. Young Liberals right across the country have spoken against this move. There has been opposition from Liberal backbenchers in the Federal Parliament—Ian Macfarlane, for example. Bob Katter of the National Party has claimed publicly that more than 20 Federal Coalition MPs oppose the Government's move. It is time that the State Liberal Party stood up, stopped hedging its bets and told the students once and for all whether it supports voluntary student unionism. I ask every member of this House to recognise the problems that voluntary student unionism will cause.

The ACTING SPEAKER (Ms Key): Order! The honourable member's time has expired.

Mr HAMILTON-SMITH (Waite): I speak to this motion as probably the only member in the House who is actually a member of a student union. I have been able to get up proudly in the Government Party room and acknowledge that I am a union member—not of my own free choice but because I am the victim of a set of arrangements at Adelaide University (where I am about halfway through an MBA) that requires me to compulsorily join a union.

Having read in *Hansard* the comments of the member for Taylor on this issue, I find much with which I can agree, and I certainly acknowledge that the student unions as presently constructed provide a range of valuable services to students. I can acknowledge that those services are extremely important to campus life and to individual students. I can acknowledge that there is a need to raise funds from students and that there is probably a good argument for the raising of such funds to be mandatory for all students.

So there is a lot about the motion that I find quite acceptable and agreeable, and I certainly would not speak in any way against the need for the provision of those services. Where I draw the line, though, is in the term 'union' being applied to these arrangements. I have extreme difficulty with

young students being told that they must join the union; that joining the union is compulsory; and that being part of a union is something that they must do, that they must bond with and that they must feel part of. I have considerable difficulty with that term, and I ask why these organisations are not called by another name?

Mr Lewis: Associations?

Mr HAMILTON-SMITH: For example, I have no difficulty, as my colleague the member for Hammond suggests, with these organisations being called student associations. Why not call them student guilds or student amenities funds? Any range of names could adequately describe the real purpose and function of these organisations. However, that is not what the member for Taylor wants. It is quite apparent from *Hansard* that she is not really focused on the services these organisations are providing. What she really wants is an acknowledgment of the term 'student unionism': we really want some sort of bond or message to be sent to students that they have to be in a union. If that is not the member for Taylor's purpose, she would have no objection to an amendment to the motion to the effect that the student unions should change their name and be called associations, student amenities funds or something else. However, the Australian Labor Party would prefer that the term 'union' remain.

The term 'union' conjures up all sorts of wonderful images for young students. Some of them get very excited by the fact that, for the first time in their life, they will be required to join the union. I remember a recent rally by a group of students forcefully demonstrating for their right to be compulsorily conscripted into a union. Thank heaven we live in a society where people are free to demonstrate for or against voluntary anything. They were voluntarily demonstrating to be involuntarily conscripted into the union! There are all sorts of messages in compulsory student unionism.

As a member of the student union, I must register my concern, as I said not because the services that the union provides are not important—they are—and not because there is not a need for students to pool together their funds to provide services on the campus—there is such a need: my objection is political and symbolic, that is, that no student should be lined up at university and told that they will not be able to successfully complete their studies, receive their certificate or be accepted into campus life unless they join a union. It does not sit comfortably with me that any young Australian can be told that they must compulsorily do anything of the nature proposed by the member for Taylor's motion. I feel it is completely inappropriate, and it is sending the wrong message both morally and politically to those young people.

There are other ways to do it. A compulsory amenities fee could be charged to all students to provide the services outlined by the member for Taylor, with no mention of a union. Financial arrangements could be entered into to ensure that the range of services the member for Taylor calls for were adequately funded. All this could be done without the word 'union' being used, without any requirement for people to be compulsorily conscripted into a union. It is really about messages. I note from *Hansard* that the member for Taylor has attacked the Liberal Party and said what terrible chaps we are. Her attitude has been, 'Aren't they shocking? They don't support student unionism.' If we dig deeper than the surface on this, we find that all members on this side of the House would be more than happy to support the provision of these services to students and would be more than happy to recognise that there would be a need to raise some sort of a levy or fund upon the students in order to ensure those services were made available. Our objection involves the term 'student union'.

Ms Hurley: Get them to call themselves something different.

Mr HAMILTON-SMITH: I would be more than happy to have them call themselves something different. However, as long as they call themselves student unions, I will argue that no young person should be made to compulsorily be a member. If the name was changed, I would have no objection whatsoever. The very term 'student union' implies something that goes far beyond what these organisations actually do. It creates the wrong attitude and mindset. I am not opposed to unionism: I commend it. I cannot imagine Australian life without it. However, I am opposed to compulsory unionism in any form. It works against the best interests of employers and employees.

I know that the student union is not an employee union. However, it suggests to people that it is. It sends a political message to students which I find an anathema. The term 'student union' should not be used and, if it is to be used, it should be voluntarily. Therefore, I have difficulty in accepting the motion as it stands. I understand the sentiments expressed by the member for Taylor, and I commend her for many of them. However, I feel that the point has been missed. Yes, there is a need to raise these funds; yes, there is a need for the services to be provided; but is compulsory student unionism the best way to do it? I think not.

The Hon. R.B. SUCH (Fisher): I will make a brief contribution on this subject, on which I have spoken in the past.

An honourable member interjecting:

The Hon. R.B. SUCH: I think I am an eternal student, but the flame is flickering. The issue—and I appreciate the comments of the member for Waite—is that the name should be changed. They are not unions in the trade union sense. In fact, in some areas of Australia, they are not called student unions at all: the term 'guild' and similar terminology is used. There has been confusion, particularly on the conservative side of politics, about these groups being trade unions. They are not, they never have been and they are not likely ever to be so. It would be prudent for those groups to change their name and, therefore, more accurately reflect what they do.

In terms of the issue of compulsory membership, members need to reflect that in our society certain things are compulsory—taxes and council rates—and I have often used the analogy with council rates concerning what you have to pay when you are a student at university. People who say that university union membership should be optional need to have an argument in terms of people accessing cafeterias and facilities like that, just as people would have to have a strong argument in relation to local government in bringing in user pays for library and similar services. The argument gets a bit wobbly when you start to look at the sorts of services provided by the student groups because I think the analogy is more appropriate in terms of what happens in a local government situation.

We know that students can be political creatures and I am glad that they are. I wish more of them were politically active and interested because, in the past 20 years, too many students have been focused almost solely on materialistic and career paths, which I am not saying are not important, but if when a student you are not interested in political matters it

is unlikely you ever will be. That has been a retrograde development. If students do not like the activities of so called student unions, the opportunity exists for them to get involved, because we are talking about adults and not about minors or children. If students do not like what their associations do, they can change them; they can change the rules, practices and policies of those bodies. In that respect it is open to any student to be involved and I trust that they will be. There is scope for improvement, apart from changing the name, and that relates to spending so that it is completely transparent where the money is going and how it is being spent. That information should be made available to them in an easily understood format. If students do not like where the money goes, they should do something about it.

There is also an issue in relation to part-time students. I was a part-time student once (a long time ago) and it used to rile me a bit that I paid a significant fee as a part-time student, yet most of the facilities were either closed or generally not available to part-time students. That aspect needs to be looked at as well. There is also the withholding of degrees until people pay their fee, and I believe that issue needs to be addressed with a bit of moderation. At university we know that much money collected from students goes into various activities, not only political, but I used to be annoyed about some of the money being diverted into elite sporting activities. In many cases sporting facilities were there principally for the benefit of males and, whilst that has no doubt changed in recent times, it relates to the point I made earlier that the spending should be quite transparent and students should know exactly where their fees go.

In summary, I believe the name should be changed by getting rid of the term 'student union' because they are not unions. The organisations should focus on having transparent spending. They should look at the way in which part-time students are treated and the fees they pay and the universities should look at the policy of withholding the granting of degrees until student union fees are paid. From 1993 onwards this Government has had a policy, which to my knowledge has not been changed, that it would not get involved in the affairs of student bodies on the basis that these people are adults. These are not trade unions, they never have been and are not likely to be.

This motion is a bit of a hybrid and contains many useful aspects but paragraph (b) is the more constructive paragraph in that it recognises the contributions that student organisations make. My own position is consistent. I do not believe the case for voluntary student unionism has been made by anyone and I believe, in terms of Federal politics, a few people are fighting battles of 20 years ago, fighting on the battlefields of Monash, against Che Guevara and Castro, neither of whom have much significance in terms of Australian politics today. It is time for some Federal MPs to take a big breath and relax in their recliner chairs and think about their days at Monash, but not get motivated by them—

The Hon. M.K. Brindal interjecting:

The Hon. R.B. SUCH: Some famous ones did. They should reflect on the past but not let it determine current policy as it relates to higher education.

Ms KEY (Hanson): I wish to address this issue from a point of experience, as well as the principle of students having student services. First, I was an official for the Flinders University Students Association, being the general secretary and I was also very much involved in the student world at Flinders through clubs, societies and the student union. As the member for Fisher has said, perhaps the terminology is a little misleading, but I would like to address those issues. At most tertiary campuses these days a number of organisations come under the umbrella of student services or the student union. Depending on the campus, they have different names. I probably know Flinders University best and the student union is the overall umbrella body looking after students on that campus. It provides funding, through a board elected from the student population, including part-time students, postgraduate students, overseas students as well as general undergraduate students.

The bodies set up under this umbrella include the student union, which looks after catering, health, student loans, housing, and job placement and also assists with funding some of the printing for the different organisations, clubs and societies, including the very famous Labor club of which I was president for a number of years, as well as the Liberal club, which was not quite as spectacular but certainly chugged along. I refer to a number of other organisations such as Amnesty International and organisations reflected outside the student campus that are of great note in terms of humanitarian and other support for people who are less fortunate than the students at that campus.

The sports association provides a whole lot of different sporting activities from the traditional football and netball right through to self-defence, karate badminton and the like. As to the student association of which I was the general secretary for a year, it is the political wing of the union structure at Flinders University. That is normally an elected position but I have to say that I was elected unopposed. The association is responsible for making sure that student issues are represented on Flinders University Council and that, where decisions were made about students, there was an opportunity for proper consultation and transparency to ensure that students had some control over the representation and the point of view that was being put up for them. If ever we wanted to talk about transparency and democracy, certainly student associations around the country often go through a painful process of making sure students know what the issues are and have an opportunity for input as well as a vote on the issues.

I would also like to talk about some of the other services that are provided through the student union fee, particularly the issue of student loans. While I was General Secretary, and also during my time at Flinders on the University Union Council, a number of students who were quite disadvantaged or who had problems with financing their study would come to the Student Loan Committee, put up a case about their particular situation and money would be made available (with the proper sorts of checks and balances that needed to be put in place for a loan—probably a little more lenient than the local bank manager or financial institution) on either a weekly or a monthly basis—a regular basis—or as a lump sum, to assist the student concerned, with them promising to pay it back at an appropriate rate, sometimes over the period of time that the student was at that campus.

I saw that as being a particularly important service that was made available. I am pleased to say that, while I was chairing that Student Loan Committee, all the loans were paid back, as agreed. Some people had further difficulties, which the committee considered, and made sure that those students were okay.

Flinders University Job Placement was a very proud organisation, and I have heard that, last year, more than 5 000 students managed to gain, through Flinders University, a part-

time or a casual job either during the vacation or on an ongoing basis. Why the Liberal Party would have concerns about these sorts of services is really beyond me.

The student paper provided an opportunity for people to contribute, and sometimes some controversial issues were involved but, needless to say, the paper was available to everyone. The General Secretary of the Students Association had the responsibility of being not only the public officer but also the editor of that paper. Other services that were provided were postal services, services associated with the library, financial planning, and, if people were having problems in their household, social work counselling was available for students. As I understand it, those services are still available at all our campuses here in South Australia.

There has been a lot of confusion about the role of student unions, and my understanding is that there is this division on most campuses. As I said, there are clubs and societies, sports, catering, the general shops on the particular campus and sometimes bookshops and stationery shops. I am pleased to say that the stationery shop at Adelaide University still provides the cheapest stationery in South Australia. So, students can avail themselves of that—as can the public—and I would recommend that as a place of purchase for members in this House. There have been some recent changes to the bookshop on both campuses, but both Adelaide University and Flinders University run very cheap second-hand bookshops, which also sell new books at a discount rate, to make those books accessible, and I know for a fact that, in addition to the students who pay the student fee, other people avail themselves of that service.

I would like to make some comments about my experience at a national level as a student representative. I was a student representative for South Australia in the days when Peter Costello was a representative of his campus, and I think that there is documentation available (I do not have it at hand at the moment) that indicates that a number of members of Parliament who were previously student representatives (and I am not just talking about Labor politicians such as Lindsay Tanner, but certainly Peter Costello was one of the student representatives) endorsed student unionism. An article is available in which Peter Costello goes on at great length about his support for student unionism and student services which are run by students and which have to be accountable to the people who use them—the consumers or the students.

In his contribution, the member for Fisher talked about his concern with respect to students these days concentrating on the vocational aspects of their campus life rather than what I would call the enrichment side of life. Unfortunately, over the past 15 years the situation has been that people do not go to university because they want to learn or they want to extend their knowledge. These days, people go to university because they have to get appropriate vocational training to go to the next step and try to get a job.

I agree with the member for Fisher. I think it is a shame that the days of the 1970s, and perhaps the early 1980s, are gone, when one would attend a tertiary institution to learn, without necessarily thinking of a job that one wanted. I think it is very sad that students these days, unless they come from a very wealthy family, do not have the opportunity to take advantage of some of the courses that are available at university. They have to make sure that they tailor their study to courses that will help them obtain employment in the long run, and I think that that is a very sad thing. The inquiry into tertiary education in the late 1970s pointed to this as being a problem for the future.

The Hon. M.K. BRINDAL (Minister for Youth): As Minister for Youth, I am interested in this proposition. I say from the outset that I am not, *per se*, opposed to student affiliation—although, like members who have spoken on this side, perhaps I would choose to badge it as an association rather than as a student union, because I think that it gives a wrong connotation. Nevertheless, it is, and should be, a relatively free association of students.

If this House concurred with the proposition that students should be compelled to contribute to student unionism, I hope that this House would also concur with an equal proposition that, if students were to be forced to pay a fee, with that would come some responsibility on behalf of the student unions, because I think that all members of this House—

Ms Key interjecting:

The DEPUTY SPEAKER: Order! The honourable member has had the opportunity to speak in the debate.

The Hon. M.K. BRINDAL: I will just share a few of my experiences with the House—and perhaps members opposite might share a few of their experiences—as to what constitutes proper use of money, which is, after all, entrusted to the elected representatives by the entire student body. When I was on the University Council of the University of South Australia I remember the absolute outrage when it was realised that each elected campus president received a substantial honorarium and the president of the student body received a substantial honorarium. At one stage at the University of South Australia they were, in effect, paying substantially for five presidents, and goodness knows how many associated organisations, and it then emerged—and this is where democracy does work—

Ms Key interjecting:

The Hon. M.K. BRINDAL: No, it was after the amalgamation. One of the negotiated points of the amalgamation was that all these presidents on each campus should continue to be paid. But then it also came out that not only were the student bodies paying these presidents but there was a sitting fee for members attending every meeting. It seemed that some of these student representatives were so diligent in the performance of their jobs that one was led to wonder how they ever attended lectures, so assiduous were they in attending meetings, for which they gained a fee. I must admit that it was a great lesson in democracy, because very quickly the elected representatives decided that it had not been a good idea after all, and they rescinded their own motion to grant themselves these extraordinary fees. I suggest, like us, they might have been looking at the next election and wondering what would happen to them when the student body realised what they were getting away with.

I think most members here can cite instances of rules that are set up with good purpose, where clubs have been set up within universities basically for the purpose of obtaining the grant available from the student union, and they have not necessarily served much good at all. So, while I am not opposed to student affiliations, I do believe that those affiliations should be absolutely transparent and accountable. I make no apology for saying that: it is the students' money and the students have an absolute right to see that money applied in a transparent and accountable way. If the shadow Minister says that it is transparent and accountable, fine. In my time on the University of South Australia Council I saw a number of instances where I do not think it was transparent enough or that those people were accountable enough. If that has improved since, fine. All I am saying is that, in any process where people's money is paid in, the people have a

right to accountability and transparency. That is the message I am giving.

There are two other things that I would like to say briefly. I am not talking about an easily achievable situation, but in the debate on student fees one wonders whether it is not the responsibility of the university governing body to provide for the welfare of its students. If we did have a truly free university system—and I acknowledge that we do not and I acknowledge also that the movement is away from a free university system—the welfare of the students should be the responsibility of the council and the council should apply the money to the students' welfare. The students should not have to pay a fee to ensure their own welfare when the university council is responsible for that.

Ms Key interjecting:

The Hon. M.K. BRINDAL: I say to the shadow Minister (who says that they lose control), 'Not necessarily.' In an ideal world, a world where students did not pay fees, you could actually ensure that the council granted money to the students, who could then have much the autonomy that they have now.

Ms Key: That's the way it works.

The Hon. M.K. BRINDAL: The shadow Minister says that that is the way it works. It does not, in fact, because the university collects the money and passes it off; it is a cipher. In an ideal world the university would give the money as part of its budget process and not need to collect it.

Ms Hurley interjecting:

The Hon. M.K. BRINDAL: The Deputy Leader says that is not the current environment in which we are working, and I agree: we are talking about what would be an ideal situation. The last point I would like to make is this: I acknowledge the shadow Minister's point that nearly all university unions (and tertiary institutions have similar bodies) have been quite good at giving low interest loans to students who are in need, students of low socioeconomic capability.

Something on which the unions themselves could do much more, and other sectors like local government are guilty of the same thing, is this: I do not believe that many unions take seriously enough the plight of people from low socioeconomic backgrounds and make enough differential in the application of union fees. I know that it is almost a fee for service argument, which says that everybody is a member of the union, they all get equal service and they should all pay the same fee. But, in fact, rather than just giving loans to students in need, I think that the student bodies could seriously look at the fact that there are some disadvantaged students in their universities. If it means that some of their more advantaged students pay a few dollars more for the purpose of giving relief to disadvantaged students, they should look at that.

I believe that the application of a single student fee is in itself a measure of social injustice. I believe that students have traditionally stood up for those who are disadvantaged in our society—and stood up a lot more strongly than perhaps our generation. It has been their role. I acknowledge that in lending moneys they do follow this sort of philosophy, but they do not, generally speaking, offer any remission to students in need. They basically go to an assumption that they would condemn any Government for: that every student who comes into the place is equally capable of paying student union fees. I think they should provide—

Ms White: Are you supporting the motion?

The Hon. M.K. BRINDAL: I have just said 'Yes.' I do not have an argument against an association of students. I think there are some things wrong with the way it is done, and I am putting those on record. I think there are some things they can improve and, as Minister for Youth, I am putting those on record. However, I am not opposed to their forming associations. I would rather, as I have said, see the university pick up the whole bill and give it to the students to apply in a way where they retain some autonomy, but I realise that is an impractical suggestion in a world where university finances are constrained. However, I would urge the unions to look at social justice as an issue for themselves and for their students within the student body. I mean that seriously and constructively. It is perhaps something they have not thought about before but perhaps it is something they should think about.

I think everyone in this House believes that every student, every person in this country, has an equal right of access to education, and the more barriers we can smash that are stopping people from disadvantaged groupings getting into our tertiary education systems, the better. I am saying that the student union itself can play a part in this process—as should this Government, as should the Federal Government and as should every university council.

Ms WHITE (Taylor): I thank all members for their contributions to the debate, and I would like to make a couple of quick comments in response. The member for Waite gave a pretty extraordinary explanation of why he would or would not support this motion—and I am not sure whether or not he does support it. I think he was saying that he would support the motion if all student associations in South Australia changed their name from student unions to something else. 'What's in a name?', I guess you could say to that.

Mr Hill interjecting:

Ms WHITE: One of my colleagues points out that perhaps credit unions should change their name to make the member for Waite happier.

Mr Hill: What about Farmers Union?

Ms WHITE: And Farmers Union.

Ms Key interjecting:

Ms WHITE: Another of my colleagues interjects that perhaps the member for Waite boycotts certain dairy products because of the Farmers Union cooperative. The member for Fisher made some very valid points and, if I read him correctly, said that he did oppose voluntary student unionism. I hope when it comes to a vote that he will reflect that statement. I have a copy of a letter written in his name from his time as Minister for higher education, giving the impression to students that he opposed voluntary student unionism. The whole point about this motion is to make a clear statement to student associations, student unions, student guilds or whatever we want to call them in South Australia that we as a Parliament oppose voluntary student unionism.

We oppose what the Federal Liberal Government is trying to do in attempting to threaten funding to universities unless, basically, student associations are squashed. Quite simply, what the Federal Liberal Party is trying to do is an unwarranted and unjustifiable intervention in the affairs of universities. It is being cloaked in sanctimonious language about freedom of speech. The right to select students, to set requirements for awards and to determine the conditions under which students will study are longstanding basic rights of universities, enshrined in State legislation that authorises their operations.

The current proposals to introduce voluntary student unionism by using Federal funding power to override these arrangements is a misuse of the Commonwealth funding role

and represents a fundamental threat to university autonomy. That is why academics from the Australian Vice-Chancellors Committee, most media commentators and student associations all around Australia have been protesting at this move. On 31 March, thousands of students took to the streets around Australia to protest this move. The National Day of Action on 5 May saw students protesting *en masse*, not because they are members of the Labor Party, the Australian Democrats or any other ideologically driven Party but because what the Federal Government is trying to do is wrong. This State Government must stand up behind the impression that it tries to give students and once and for all say that it opposes voluntary student unionism. It cannot have it both ways. It has tried for the last three years to give students the impression that it supports them. This motion will provide the proof.

Motion carried.

COONGIE LAKES

Adjourned debate motion of Mr Hill:

That this House calls on the Minister for Environment and Heritage to ensure that applications to grant wilderness status to the Coongie Lakes wetlands be processed forthwith and calls on the Minister to ensure that Coongie Lakes wetlands be given the highest possible level of environmental protection once the exploration licences for the area expire in February 1999.

(Continued from 25 March. Page 1289.)

Mr HILL (Kaurna): This motion asks the Minister for the Environment to do two things: first, process applications that have already been lodged with her department some time ago to give wetlands status to the Coongie Lakes area; and, secondly, to provide the area with the highest possible level of environmental protection. The motion does not call on the Minister to make this a wetlands area nor does it say what sort of status the area should be given. It merely asks her to assess the applications and then, having processed them, to provide the highest order of protection possible for this area. It is not a great ask, especially given the special nature of the area.

Unfortunately, the Government is opposed to this proposition. The Deputy Premier, in seeking to assure the House that he is really a bit of a greenie, explained that he recognises the high environmental values of the area but we should trust him and his department because they are undertaking a process of consultation to determine whether or not petroleum exploration will have a detrimental effect on the environmental values and that there will be a report some time in September. I do not accept that. My motion is not about petroleum: it is about environmental issues. The process of assessment for wetlands could be conducted at the same time the Department of Primary Industries and Resources is going through its work. I thank those departmental officers who have briefed me on what they are doing and the issues from their point of view.

This motion should not be seen as an attack on Santos, which has exemplary practice for environmental management, and I thank that company for inviting me to the area, showing me everything I wanted to see and answering all the questions that I wanted to ask. Clearly it has learnt a lot over its time there and clearly some of its earlier activity was less than satisfactory from an environmental point of view, but it has learned and now its activities are fairly environmentally sensitive, given the nature of its operations. The termination of the licence period gives this Government a unique opportunity to protect one of the most important parts of this State, and I am sure that members who have visited the area would agree with me that it is a beautiful, interesting and fragile part of our State's environment.

Unfortunately, the Minister for Environment once again has not bothered to contribute to this debate. She has not bothered to make any statement at all about the merits of this application. She left the job to her colleague the Minister for Primary Industries. It is no wonder that the Minister for Environment is now such a joke in the environment movement. I will not tell the House some of the things that people called her at a recent Labor Listens meeting on the environment.

Ms Hurley interjecting:

Mr HILL: 'Culler Kotz', as my colleague said, and 'Killer Kotz'. The Minister's reputation for things environmental is diminishing at a rapid rate, and this is just another example of an issue that she has failed to address. Minister Kerin spoke about this and told the House to trust him because it would all be fixed up in time. The members for Stuart and Hammond also spoke on this issue and were negative in their tone and content. I will not address what the member for Hammond said, but the member for Stuart made a nasty personal attack on Vera Hughes, a former Director of the Wilderness Society. He called her irrational.

Unfortunately, everyone who disagrees with the member for Stuart is called irrational. On this point it is the member who is irrational because he fails to recognise that any part of the State should ever be protected. Is it not irrational to say that none of the laws that we have to provide protection to special parts of this State should be enacted and that all of the State should be open to exploration? Unfortunately, the member for Stuart believes that absolutely everything should be subject to exploration, mining, etc. He would shoot the birds, dig up the trees and let the whole place turn into a quarry. This is a modest, sensible motion that is worthy of the support of the House.

The House divided on the motion:

AYES (21)

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

NOES (25)

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

Majority of 4 for the Noes.

Motion thus negatived.

[Sitting suspended from 5.48 to 7.30 p.m.]

ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

The Legislative Council agreed to the Bill with the amendments and suggested amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly, and which suggested amendments the Legislative Council requests the House of Assembly to make to the Bill:

Schedule of the amendments made by the Legislative Council

No. 1. Page 1, line 8, Long Title—Leave out 'the Electricity Corporations Act 1994' and insert:

the Development Act 1993, the Electricity Corporations Act 1994, the Environment Protection Act 1993, the Mining Act 1971 and the Superannuation Act 1988

No. 2. Page 1, lines 17 and 18 (clause 2)—Leave out this clause and insert new clause as follows:

Commencement

2. (1) This Act (other than section 11A and Parts 2, 3 and 4 of Schedule 1B) will come into operation on a day to be fixed by proclamation.

(2) Section 11A comes into operation on the day on which this Act is assented to by the Governor.

(3) Parts 2, 3 and 4 of Schedule 1B will come into operation in accordance with provisions contained in that Schedule.

No. 3. Page 1, lines 25 and 26 (clause 3)— Leave out these lines and insert the following:

and includes, in relation to a transfer made or lease granted by a transfer order, sale/lease agreement or special order, a present or future cause of action in favour of the transferor or lessor;

No. 4. Page 1 (clause 3)—After line 27 insert the following:

'body' includes a Minister;

No. 5. Page 1 (clause 3)—After line 28 insert the following:

'dispose' of an asset includes grant a lease in respect of the asset;

No. 6. Page 2 (clause 3)—After line 6 insert the following:

'electricity infrastructure' has the same meaning as in the Electricity Act 1996;

No. 7. Page 2 (clause 3)—After line 7 insert the following:

'employee transfer order'—see section 15A;

No. 8. Page 2, line 9 (clause 3)—After 'includes' insert:

a written agreement, undertaking or understanding,

No. 9. Page 2 (clause 3)—After line 9 insert the following:

'lease' includes—

(a) a sub-lease or other derivative of a lease; and

(b) a licence or an agreement to grant a lease or licence,

(and 'lessor' and 'lessee' have corresponding meanings and include successors and assigns);

'leased asset' means an asset in respect of which a lease is granted by a transfer order or sale/lease agreement;

No. 10. Page 2, line 14 (clause 3) —Leave out paragraph (b) and insert new paragraph as follows:

(b) in relation to a transfer made or lease granted by a transfer order, sale/lease agreement or special order, a present or future cause of action against the transferor or lessor;

No. 11. Page 2 (clause 3) —After line 14 insert the following:

'public lighting infrastructure' means poles, equipment, fittings or wiring associated with the provision of lighting in a street or other public place;

No. 12. Page 2, line 17 (clause 3)—Leave out the definition of 're-transfer order'.

No. 13. Page 2 (clause 3)—After line 25 insert the following:

'specially issued licence' means a licence under the Electricity Act 1996 issued in accordance with an order of the Minister under Part 3B;

'special order'—see section 11D;

No. 14. Page 2, line 27 (clause 3)—Leave out 'public'.

No. 15. Page 2 (clause 3)—After line 30 insert the following:

'statutory corporation' has the same meaning as in the Public Corporations Act 1993;

No. 16. Page 3, lines 8 to 12 (clause 3)— Leave out the definitions of 'transferee' and 'transferor'.

No. 17. Page 3, lines 14 to 23 (clause 3)—Leave out the definitions of 'transferred asset', 'transferred instrument' and 'transferred liability' and insert:

'transferred asset' means an asset transferred by a transfer order, sale/lease agreement or special order;

'transferred instrument'—see sections 8, 11B and 11D;

'transferred liability' means a liability transferred by a transfer order, sale/lease agreement or special order;

'vesting order'—see section 10B.

No. 18. Page 3, lines 26 to 29 (clause 4)—Leave out this clause and insert new clause as follows:

Application of Act

4. It is the intention of the Parliament that—

(a) this Act apply within the State and outside the State to the full extent of the extra-territorial legislative capacity of the Parliament; and

(b) the provisions of this Act, and orders and agreements made and other things done under this Act, have effect in relation to assets, liabilities, transactions, acts and matters situated, arising, entered into, done or occurring within or outside the State whether the applicable law would, apart from this Act, be South Australian law or the law of another place; and

(c) a court, tribunal or other body exercising judicial powers in a place outside the State apply South Australian law to the determination of any question about the effect of this Act, or the effect of an order or agreement made or other thing done under this Act, despite any inconsistent law of that other place.

No. 19. Page 4, line 9 (clause 5)—Leave out 'transferred to a State-owned company or the Minister under this Act' and insert:

of a body by which assets or liabilities have been acquired under a transfer order

No. 20. Page 4, lines 11 and 12 (clause 5)—Leave out 'transferred to a State-owned company or the Minister under this Act' and insert:

of a body by which assets or liabilities have been acquired under a transfer order

No. 21. Page 4, lines 21 to 25 (clause 5)—Leave out subclause (3) and insert new subclause as follows:

(3) The Minister (or the Minister's delegate) may, despite any other law or instrument, authorise prospective purchasers and their agents to have access to information in the possession or control of—

(a) an electricity corporation; or

(b) a body by which assets or liabilities have been acquired under a transfer order,

that should, in the Minister's opinion (or the delegate's opinion), be made available to the prospective purchasers for the purposes of the authorised project.

No. 22. Page 4, lines 26 and 27 (clause 5)—Leave out 'The directors and employees of an electricity corporation or State-owned company must, despite any other law, instrument, contract or undertaking—' and insert:

Members of the governing body and employees of an electricity corporation or a body by which assets or liabilities have been acquired under a transfer order must, despite any other law or instrument—

No. 23. Page 4, line 29 (clause 5)—Leave out 'State-owned company' and insert:

body

No. 24. Page 5, lines 7 to 9 (clause 6)—Leave out paragraphs (a) and (b) and insert new paragraphs as follow:

(a) an electricity corporation or a body by which assets or liabilities have been acquired under a transfer order; or

(b) a current or former member of the governing body or employee of an electricity corporation or body by which assets or liabilities have been acquired under a transfer order; or

No. 25. Page 5, line 12 (clause 6)—After 'authorised' insert:

despite any other law or instrument to the contrary

No. 26. Page 6, lines 3 to 36 and page 7, lines 1 to 22 (clauses 8 and 9)—Leave out clauses 8 and 9 and insert new clauses as follow:

Orders to effect transfers, leases and other restructuring

8. (1) The Minister may, by order in writing (a transfer order), do one or more of the following:

(a) transfer to a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or

statutory corporation, or the Crown, assets or liabilities (or both) of an electricity corporation;

(b) transfer to a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or statutory corporation, or the Crown, assets or liabilities (or both) of a body by which assets or liabilities have been acquired under a transfer order;

(c) grant to a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or statutory corporation, or the Crown, a lease, easement or other rights in respect of assets of or available to an electricity corporation;

(d) grant to a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or statutory corporation, or the Crown, a lease, easement or other rights in respect of assets of or available to a body by which assets have been acquired under a transfer order;

(e) extinguish a lease, easement or other rights held by a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or statutory corporation, or the Crown, in consequence of a transfer order.

(2) If—

(a) an electricity corporation has an easement in relation to electricity infrastructure on, above or under land; and

(b) the Minister, by a transfer order, transfers part of the infrastructure, or grants a lease or other rights in respect of part of the infrastructure, to a body of a kind referred to in subsection (1),

the Minister may, by the transfer order, transfer to the body rights conferred by the easement but limited so they operate in relation to that part of the infrastructure (which rights will be taken to constitute a separate registrable easement) and may, by a subsequent transfer order, transfer to the same or a different body rights conferred by the easement but limited so they operate in relation to another part of the infrastructure, whether on, above or under the same or a different part of the land (which rights will also be taken to constitute a separate registrable easement).

(3) In exercising powers under this section in relation to assets or liabilities of, or available to, a body other than the Minister, the Minister is to be taken to be acting as the agent of the other body.

(4) A transfer order takes effect on the date of the order or on a later date specified in the order.

(5) A transfer order effects the transfer and vesting of an asset or liability, or the grant or extinguishment of a lease, easement or other rights, in accordance with its terms by force of this Act and despite the provisions of any other law or instrument.

(6) The transfer of a liability from a body discharges the body from the liability.

(7) If a transfer order so provides—

(a) a security to which a transferred asset is subject ceases to apply to the asset on its transfer by the transfer order;

(b) a security to which a leased asset is subject ceases to apply to the asset on the grant of the lease by the transfer order.

(8) A transfer order may provide that references to a body of a kind referred to in subsection (1) (the first body) in a specified instrument or an instrument of a specified class (a transferred instrument) are replaced by references to another body of a kind referred to in subsection (1) (the second body), and in that case—

(a) the instrument is modified as provided in the order; and

(b) the second body accordingly succeeds to the rights and liabilities of the first body under the instrument as from the date on which the transfer order takes effect or the date on which the instrument takes effect (whichever is the later).

(9) The Minister may, by order in writing, declare that the effect of the whole or part of a transfer order is reversed and in that case (despite the provisions of any other law or instrument)—

(a) the order will be taken to have come into effect contemporaneously with the transfer order; and

(b) transfers or grants identified in the order are cancelled and will be taken never to have been made; and

(c) transferred instruments identified in the order are to be construed as if they had never been affected by the transfer order.

(10) A power may not be exercised under this section in relation to a company that has ceased to be a State-owned company.

Subcontracting performance of obligations to State-owned companies

9. Despite any other law or instrument, an electricity corporation may, if authorised to do so by the Minister, subcontract to a State-owned company the performance of all or part of the electricity corporation's obligations under a contract.

No. 27. Page 7, line 25 (clause 10)—Leave out '(or re-transfer order)'.

No. 28. Page 7, line 28 (clause 10)—Leave out '(or re-transfer order)'.

No. 29. Page 7—After line 37 insert new clauses as follow:

Conversion of electricity corporation to State-owned company

10A. If the Governor so declares by proclamation, Schedule 1A applies to an electricity corporation specified in the proclamation.

Vesting orders

10B. (1) In any case where there appears to the Minister to be a dispute or doubt as to the ownership of public lighting infrastructure, the Minister may, by order in writing (a vesting order), declare that the ownership of public lighting infrastructure specified in the order is vested in an electricity corporation, State-owned company or council specified in the order.

(2) Before making a vesting order that relates to public lighting infrastructure, the Minister must consult with the council of the area affected.

(3) A vesting order effects the vesting of the specified public lighting infrastructure in accordance with its terms by force of this Act and despite the provisions of any other law or instrument.

No. 30. Page 8, lines 1 to 30 (clause 11)—Leave out this clause.

No. 31. Page 8—After line 30 insert new clauses 11A. to 11E. as follow:

Disposal of electricity assets and limitations on disposal

11A. (1) The Crown, an instrumentality of the Crown or a statutory corporation must not—

(a) sell or transfer prescribed electricity assets; or

(b) sell or transfer interests or rights as a lessee under an unauthorised lease in respect of prescribed electricity assets; or

(c) grant an unauthorised lease in respect of prescribed electricity assets.

(2) Shares in a prescribed company must not be issued and, in the case of shares owned by an instrumentality of the Crown or a statutory corporation, must not be sold or transferred—

(a) if the company or a subsidiary of the company owns prescribed electricity assets; or

(b) if the company or a subsidiary of the company is the lessee under an unauthorised lease in respect of prescribed electricity assets.

(3) Subject to the limitations under subsections (1) and (2), the Minister may by agreement (a sale/lease agreement) with another (the purchaser) do one or more of the following:

(a) transfer to the purchaser assets or liabilities (or both) of an electricity corporation;

(b) grant to the purchaser a lease, easement or other rights in respect of assets of or available to an electricity corporation;

(c) transfer to the purchaser assets or liabilities (or both) of a State-owned company;

(d) transfer to the purchaser shares in a State-owned company;

(e) grant to the purchaser a lease, easement or other rights in respect of assets of or available to a State-owned company;

(f) transfer to the purchaser assets or liabilities (or both) that have been acquired by a Minister, any instrumentality of the Crown or a statutory corporation under this Act;

(g) grant to the purchaser a lease, easement or other rights in respect of assets that have been acquired by a Minister, any instrumentality of the Crown or a statutory corporation under this Act.

(4) A lease is an unauthorised lease for the purposes of this section only if—

(a) it confers a right to the use or possession of prescribed electricity assets for a term extending to a time, or

commencing, more than 25 years after the making of the lease; and

(b) the exercise of the right is not expressed in the lease to be conditional on approval of the right by a resolution passed by each House of Parliament in accordance with this section.

(5) If a lease confers a right of a kind referred to in subsection (4)(a) and provides that the exercise of the right is conditional on approval of the right by a resolution passed by each House of Parliament, it is not lawful to waive, vary or remove that condition.

(6) Subsections (1) and (2) do not apply to—

(a) the sale or transfer of prescribed electricity assets, or interests or rights under a lease in respect of prescribed electricity assets, to the Crown, an instrumentality of the Crown or a statutory corporation;

(b) the granting of a lease in respect of prescribed electricity assets to the Crown, an instrumentality of the Crown or a statutory corporation;

(c) the issuing, sale or transfer of shares to an instrumentality of the Crown or a statutory corporation;

(d) the sale or disposal of prescribed electricity assets in the ordinary course of the maintenance, repair, replacement or upgrading of equipment;

(e) the exercise by a person other than the Crown, an instrumentality of the Crown or a statutory corporation of a right under an instrument executed before 17 November 1998;

(f) the performance by the Crown, an instrumentality of the Crown or a statutory corporation of an obligation under an instrument executed before 17 November 1998.

(7) Subject to subsection (8), the following provisions must be complied with in relation to the approval of a right of a kind referred to in subsection (4)(a) by a resolution of each House of Parliament:

(a) the resolution may relate to rights of that kind conferred by more than one lease; and

(b) no more than one resolution approving rights of that kind may be passed; and

(c) if a motion of a Minister for a resolution approving rights of that kind has been defeated, no further motion may be moved for such a resolution; and

(d) the resolution must be passed—

(i) after the return of the writs for the first general election of the members of the House of Assembly that occurs after the commencement of this section; and

(ii) not later than five years after the first lease conferring a right of that kind was made; and

(e) each lease to which the resolution relates, and a prescribed report relating to that lease, must have been laid before each House of Parliament—

(i) not later than 14 sitting days after the end of two years from the date on which the first lease conferring a right of that kind was made; or

(ii) if, before the end of the period referred to in subparagraph (i), sale/lease agreements have been made providing for the disposal of all prescribed electricity assets of or available to an electricity corporation, State-owned company, Minister or any instrumentality of the Crown or statutory corporation (whether by the granting of a lease or the disposal of shares)—not later than 14 sitting days after the date on which the last such sale/lease agreement was made.

(8) If the right to possession of prescribed electricity assets reverts to the Crown, an instrumentality of the Crown or a statutory corporation through the expiry or termination of a lease, subsection (7) does not apply in relation to a further lease conferring a right of a kind referred to in subsection (4)(a) in respect of all or some of those assets, but a resolution approving the right may only be passed if the lease and a prescribed report relating to the lease have been laid before each House of Parliament not later than 14 sitting days after the end of two years from the date on which the lease was made.

(9) If a lease in relation to which a resolution has been passed by each House of Parliament in accordance with subsection (7) or (8) is terminated, subsections (1) and (2) do not apply in relation to a further lease granted to another person on substantially the same terms and conditions as, and for the balance of the term of, the former lease.

(10) If a resolution is passed by each House of Parliament approving a right of a kind referred to in subsection (4)(a), a variation that has the effect of increasing the term for which the right is or may become exercisable may not be made to the lease conferring the right unless the variation is approved by further resolution passed by each House of Parliament.

(11) In this section—

'prescribed company' means a company any of the shares in which are owned by an instrumentality of the Crown or a statutory corporation other than as a passive investment only;

'prescribed electricity assets' means any of the following situated in South Australia:

(a) electricity generating plant (other than plant with a generating capacity of less than 10 MW);

(b) powerlines (within the meaning of the Electricity Act 1996);

(c) substations for converting, transforming or controlling electricity;

(d) land on or under which infrastructure of a kind referred to in paragraph (a), (b) or (c) is situated,

but does not include anything excluded from the ambit of the definition by resolution passed by each House of Parliament;

'prescribed report', in relation to a lease, means a report prepared at the request of the Minister—

(a) giving a true and fair assessment, in present value terms, of both of the following:

(i) the total amount paid or to be paid to the State under or in connection with the lease and any related transactions;

(ii) the total amount that would be repaid or foregone by the State if a resolution were not passed approving any right of a kind referred to in subsection (4)(a) conferred by the lease; and

(b) setting out the information and assumptions on which the assessments are based;

'right' includes a contingent or future right.

Provisions relating to sale/lease agreements

11B. (1) If—

(a) an electricity corporation or State-owned company has an easement in relation to electricity infrastructure on, above or under land; and

(b) the Minister, by a sale/lease agreement, transfers part of the infrastructure, or grants a lease or other rights in respect of part of the infrastructure, to a purchaser,

the Minister may, by the sale/lease agreement, transfer to the purchaser rights conferred by the easement but limited so they operate in relation to that part of the infrastructure (which rights will be taken to constitute a separate registrable easement) and may, by a subsequent sale/lease agreement, transfer to the same or a different purchaser rights conferred by the easement but limited so they operate in relation to another part of the infrastructure, whether on, above or under the same part or a different part of the land (which rights will also be taken to constitute a separate registrable easement).

(2) A sale/lease agreement may transfer assets or liabilities (or both) to a State-owned company, Minister, electricity corporation or any instrumentality of the Crown or statutory corporation, or the Crown, with effect at the end of the term of a lease (whether granted by the agreement, a transfer order or otherwise) or in specified circumstances.

(3) In exercising powers in relation to assets or liabilities of, or available to, a body other than the Minister, the Minister is to be taken to be acting as the agent of the other body.

(4) A sale/lease agreement effects the transfer and vesting of an asset or liability or shares, or the grant of a lease, easement or other rights, in accordance with its terms by force of this Act and despite the provisions of any other law or instrument.

(5) The transfer of a liability by a sale/lease agreement operates to discharge the transferor and the Crown from the liability.

(6) Unless the sale/lease agreement otherwise provides—

(a) the transfer of an asset by a sale/lease agreement operates to discharge the asset from any trust in favour of the Crown;

(b) the transfer of the shares in an electricity corporation or State-owned company by a sale/lease agreement operates to discharge the assets of the company from any trust in favour of the Crown.

(7) If a sale/lease agreement so provides—

(a) a security to which a transferred asset is subject ceases to apply to the asset on its transfer by the sale/lease agreement;

(b) a security to which a leased asset is subject ceases to apply to the asset on the grant of the lease by the sale/lease agreement.

(8) A sale/lease agreement may provide that instruments identified in the agreement, or to be identified as provided in the agreement, are to be transferred instruments.

(9) If an instrument is identified in, or under, a sale/lease agreement as a transferred instrument, the instrument operates, as from a date specified in the agreement, subject to any modifications specified in the agreement.

Subcontracting performance of obligations to purchasers

11C. Despite any other law or instrument, an electricity corporation or State-owned company may, if authorised to do so by the Minister, subcontract to a purchaser under a sale/lease agreement the performance of all or part of the electricity corporation's or State-owned company's obligations under a contract.

Special orders

11D. (1) The Minister may, by order in writing (a special order), transfer assets or liabilities (or both) of the purchaser under a sale/lease agreement to another body or bodies.

(2) A special order may only be made at the request of the purchaser made within 12 months of the date of the sale/lease agreement and with the consent of the other body or bodies.

(3) Only one special order may be made at the request of the same purchaser.

(4) In exercising powers under this section in relation to assets or liabilities of the purchaser, the Minister is to be taken to be acting as the agent of the purchaser.

(5) A special order takes effect on the date of the order or on a later date specified in the order.

(6) A special order effects the transfer and vesting of an asset or liability in accordance with its terms by force of this Act and despite the provisions of any other law or instrument.

(7) A special order may provide that instruments identified in the order, or to be identified as provided in the order, are to be transferred instruments.

(8) If an instrument is identified in, or under, a special order as a transferred instrument, the instrument operates, as from a date specified in the order, subject to any modifications specified in the order.

Terms of leases and related instruments

11E. (1) The Minister is to endeavour to ensure that a prescribed long term lease in respect of prescribed electricity assets or a related instrument contains terms under which—

(a) the lessee's right or option to renew or extend the lease must be exercised not less than five years before the commencement of the term of that renewal or extension; and

(b) the risk of non-payment of rent (including amounts to be paid on the exercise of a right or option to renew or extend the lease) is addressed at the commencement of the lease by the provision of adequate security or other means; and

(c) the lessee must provide adequate security in respect of compliance with requirements as to the condition of the leased assets at the expiration or earlier termination of the lease; and

(d) the lessor accepts no liability for, and provides no warranty or indemnity as to, a consequence arising from—

(i) the lessee's use of the leased assets in trade or business; or

(ii) pool prices in the National Electricity Market or a similar or derivative market relating to the supply of electricity; or

(iii) competition between participants in the National Electricity Market or a similar or derivative market relating to the supply of electricity; or

(iv) regulatory change in the electricity supply industry; and

(e) the lessee must indemnify the lessor for any liability of the lessor to a third party arising from the lessee's use or possession of the leased assets; and

(f) the lessee must have adequate insurance against risks arising from the use or possession of the leased assets; and

(g) the lessee must ensure compliance with all regulatory requirements applicable to the use or possession of the leased assets; and

(h) the lessor is entitled to terminate the lease if a breach of the lessee's obligations of any of the following kinds, or any other serious breach, remains unremedied after reasonable notice:

(i) failure to obtain or retain—

(A) a licence or registration required for the use of the leased assets for their intended purpose in the electricity supply industry under the Electricity Act 1996 or the National Electricity (South Australia) Law; or

(B) a similar licence, registration or other authority required under subsequent legislation;

(ii) non-payment of rent;

(iii) substantial cessation of use of the leased assets for their intended purpose in the electricity supply industry; and

(i) the lessor has a right or option, at the expiration or earlier termination of the lease, to acquire assets that form part of the business involved in the use of the leased assets for their intended purpose in the electricity supply industry.

(2) If a prescribed long term lease is granted in respect of prescribed electricity assets and the lease and prescribed report relating to the lease are laid before a House of Parliament in accordance with section 11A, a report stating the extent to which the lease complies with the requirements set out in subsection (1) and giving reasons for any non-compliance must be laid before that House of Parliament at the same time.

(3) Non-compliance with this section does not affect the validity of a prescribed long term lease.

(4) A provision included in a prescribed lease or related instrument that deals with—

(a) the circumstances or conditions under which the lease may be terminated by the lessor or lessee; or

(b) the application of a security provided in relation to the lease; or

(c) the pre-payment of amounts payable by way of rent under the lease and the retention of such amounts by the lessor; or

(d) the continuance of the lease despite the occurrence of unintended or unforeseen circumstances; or

(e) the continuance of the obligation to pay rent despite the occurrence of unintended or unforeseen circumstances; or

(f) the amount payable in consequence of a breach of the lease; or

(g) the liability of the lessor in relation to the leased assets,

will have effect according to its terms and despite any law or rule to the contrary.

(5) In this section—

'electricity supply industry' means the industry involved in the generation, transmission, distribution, supply or sale of electricity;

'National Electricity Market' means the market regulated by the National Electricity Law;

'prescribed company' has the same meaning as in section 11A;

'prescribed electricity assets' has the same meaning as in section 11A;

'prescribed lease' means—

(a) a lease granted by a sale/lease agreement; or

(b) a lease granted by a transfer order the lessee under which is, or was when the lease was granted, a prescribed company or subsidiary of a prescribed company or any instrumentality of the Crown or a statutory corporation;

'prescribed long term lease' means a prescribed lease that confers a right to the use or possession of the assets for a term

extending to a time, or commencing, more than 25 years after the making of the lease;

'right' has the same meaning as in section 11A.

No. 32. Page 8, lines 32 to 37 (clause 12)— Leave out subclauses (1) and (2) and insert new subclauses as follow:

(1) Subject to subsection (2), a Government guarantee has no application in relation to—

(a) transferred liabilities (unless the liabilities are transferred to a public corporation and the guarantee under section 28 of the Public Corporations Act 1993 applies or the liabilities are transferred back to the electricity corporation to whose liabilities the guarantee originally applied); or

(b) liabilities of a company that was an electricity corporation or State-owned company before the shares in the company were transferred to a purchaser under a sale/lease agreement.

(2) If the Treasurer declares by order in writing that a Government guarantee continues to apply in relation to specified liabilities and a specified transferee or company, the Government guarantee will be taken to continue to apply (indefinitely or for a period specified in or determined in accordance with the order) to the liabilities as if the specified transferee or company were the electricity corporation to whose liabilities the guarantee originally applied.

No. 33. Page 9 (clause 12)— After line 2 insert the following:

(3a) If a Government guarantee is continued by an order under this section, the Treasurer must cause a report to be laid before each House of Parliament not later than 14 sitting days after the making of the order, giving details of the guarantee and the liabilities to which the guarantee relates including the maximum amount that might become payable under the guarantee.

No. 34. Page 9 (clause 12)—After line 2 insert the following:

(4) In this section—

'Government guarantee' means—

(a) a guarantee under section 28 of the Public Corporations Act 1993;

(b) a guarantee or indemnity given by an electricity corporation;

(c) a guarantee or indemnity under section 19 of the Public Finance and Audit Act 1987.

No. 35. Page 9, line 10 (clause 13)— Leave out 'The' and insert: Subject to any contrary provision in a transfer order, sale/lease agreement or special order, the

No. 36. Page 9, lines 30 and 31 (clause 13)—Leave out 'that is not transferred'.

No. 37. Page 10, line 4 (clause 13)—Leave out 'subject to any contrary provision in a transfer order or sale/lease agreement,'.

No. 38. Page 10 (clause 13)—After line 6 insert the following:

(3) Subject to any contrary provision in a transfer order or sale/lease agreement, the following provisions apply in relation to leased assets:

(a) if a security held by the lessor is referable to a leased asset, then, so far as it is referable to the leased asset—

(i) the security is available to the lessee as security for the discharge of the liabilities to which it relates including, where the security relates to future liabilities, liabilities incurred after the grant of the lease; and

(ii) the lessee is entitled to the same rights and priorities and is subject to the same liabilities under the security as those to which the lessor would have been entitled or subject if there had been no lease;

(b) if the lease is derivative of another lease (the head lease), the lessor incurs no liability (nor does the head lease become liable to forfeiture) because the lessor has granted the derivative lease, or has parted with possession of property, or permitted the possession or use of property by another person, contrary to the terms of the head lease;

(c) an instruction, order, authority or notice given to the lessor before the granting of the lease is, so far as it is referable to a leased asset, taken to have been given to the lessee;

(d) the lessee is entitled to possession of all documents to which the lessor was entitled immediately before the granting of the lease that are entirely referable to a leased asset and is entitled to access to, and copies of, all documents that are referable to both a leased asset and any other asset or liability;

(e) the lessee has the same right to ratify a contract or agreement relating to a leased asset as the lessor would have had if there had been no lease;

(f) in legal proceedings about a leased asset, evidence that would have been admissible by or against the lessor if there had been no lease may be given in evidence by or against the lessee;

(g) legal proceedings in respect of a leased asset that had commenced before the granting of the lease may be continued and completed by or against the lessee.

No. 39. Page 10 (clause 14)—After line 10 insert the following:

(ab) whether specified assets are or are not leased assets and the identity of the lessee;

No. 40. Page 10, lines 11 and 12 (clause 14) —Leave out 'and the identity of the transferee'.

No. 41. Page 10, lines 20 and 21 (clause 15) —Leave out paragraph (a) and insert new paragraph as follows:

(a) in payment of an amount equal to any payment made by an electricity corporation, or a body by which assets or liabilities have been acquired under a transfer order, on the termination or surrender of a lease entered into before 17 November 1998;

No. 42. Page 10, lines 24 and 25 (clause 15)—Leave out paragraph (c).

No. 43. Page 10, line 26 (clause 15)—Leave out 'special deposit account'.

No. 44. Page 10 (clause 15)—After line 29 insert the following:

(e) in payment to an account at the Treasury to be used—

(i) to the extent of an amount not exceeding $150 million for the purposes of—

(A) contributing to the costs of employment training programs and programs to assist the establishment, restructuring or expansion of industry in the State;

(B) contributing to infrastructure costs associated with a railway link from the State to Darwin; and

(ii) for the purpose of retiring State debt.

(1aa) Subparagraph (i) of subsection (1)(e) expires 12 months after sale/lease agreements have been made providing for the disposal of all prescribed electricity assets of or available to an electricity corporation, State-owned company, Minister or any instrumentality of the Crown or statutory corporation (whether by the granting of a lease or the disposal of shares).

No. 45. Page 10 (clause 15)—After line 29 insert the following:

(1a) Any income from investment of money paid into an account at the Treasury under subsection (1) must be applied for the purposes of retiring State debt.

(1b) An amount paid by way of security will not be regarded as proceeds of a sale/lease agreement for the purposes of this section.

No. 46. Page 11—After line 16 insert new clauses as follow:

Auditor-General's report on relevant long term leases

15AA. (1) The Auditor-General must be provided with a copy of each relevant long term lease within the period of seven days after the prescribed date.

(2) The Auditor-General must, within the period of six months after the prescribed date, examine each relevant long term lease that has been provided under subsection (1) and any related transactions and prepare a report on—

(a) the proportion of the proceeds of the leases used to retire State debt; and

(b) the amount of interest on State debt saved as a result of the application of those proceeds.

(3) Section 34 of the Public Finance and Audit Act 1987 applies to the examination of a lease and any related transactions by the Auditor-General under this section.

(4) The Auditor-General must deliver copies of a report prepared under this section to the President of the Legislative Council and the Speaker of the House of Assembly.

(5) The President of the Legislative Council and the Speaker of the House of Assembly must not later than the first sitting day after receiving a report under this section, lay copies of the report before their respective Houses of Parliament.

(6) If a report has been prepared under this section but copies have not been laid before both Houses of Parliament when a writ for a general election of the members of the House of Assembly

is issued, the Auditor-General must cause the report to be published.

(7) In this section—

'prescribed date' means the earlier of the following:

(a) if sale/lease agreements have been made providing for the disposal of all prescribed electricity assets of or available to an electricity corporation, State-owned company, Minister or any instrumentality of the Crown or statutory corporation (whether by the granting of a lease or the disposal of shares)—the date on which the last such sale/lease agreement was made; or

(b) the second anniversary of the date on which the first relevant long term lease was granted;

'prescribed electricity assets' has the same meaning as in section 11A;

'relevant lease' means—

(a) a lease granted by a sale/lease agreement; or

(b) a lease granted by a transfer order the lessee under which is a company that has been acquired by a purchaser under a sale/lease agreement;

'relevant long term lease' means a relevant lease in respect of prescribed electricity assets that confers a right to the use or possession of the assets for a term extending to a time, or commencing, more than 25 years after the making of the lease;

'right' has the same meaning as in section 11A.

PART 3A
STAFF

Transfer of staff

15A. (1) Action must be taken to ensure that all employees engaged in a business to which a sale/lease agreement relates are taken over as employees of the purchaser, a company related to the purchaser or the company acquired by the purchaser under the sale/lease agreement.

(2) For the purposes of this section, the Minister may, by order in writing (an employee transfer order)—

(a) transfer employees of an electricity corporation to positions in the employment of a State-owned company;

(b) transfer back to an electricity corporation an employee transferred to the employment of a State-owned company;

(c) transfer employees of an electricity corporation to positions in the employment of a purchaser under a sale/lease agreement or a company related to the purchaser;

(d) transfer employees of a State-owned company to positions in the employment of a purchaser under a sale/lease agreement or a company related to the purchaser.

(3) An employee transfer order takes effect on the date of the order or on a later date specified in the order.

(4) An employee transfer order may be varied or revoked by the Minister by further order in writing made before the order takes effect.

(5) An employee transfer order has effect by force of this Act and despite the provisions of any other law or instrument.

(6) A transfer under this section does not—

(a) affect the employee's remuneration; or

(b) interrupt continuity of service; or

(c) constitute a retrenchment or redundancy.

(7) Except with the employee's consent, a transfer under this section must not involve—

(a) any reduction in the employee's status; or

(b) any change in the employee's duties that would be unreasonable having regard to the employee's skills, ability and experience.

(8) However, an employee's status is not reduced by—

(a) a reduction of the scope of the business operations for which the employee is responsible; or

(b) a reduction in the number of employees under the employee's supervision or management,

if the employee's functions in their general nature remain the same as, or similar to, the employee's functions before the transfer.

(9) An employee's terms and conditions of employment are subject to variation after the transfer in the same way as before the transfer.

(10) A person whose employment is transferred from one body (the former employer) to another (the new employer) under this section is taken to have accrued as an employee of the new employer an entitlement to annual leave, sick leave and long service leave that is equivalent to the entitlements that the person had accrued, immediately before the transfer took effect, as an employee of the former employer.

(11) A transfer under this section does not give rise to any remedy or entitlement arising from the cessation or change of employment.

(12) For the purposes of construing a contract applicable to a person whose employment is transferred under this section, a reference to the former employer is to be construed as a reference to the new employer.

(13) A company and a purchaser are related for the purposes of this section if they are related bodies corporate within the meaning of the Corporations Law.

Separation packages and offers of alternative public sector employment

15B. (1) Subject to this section, any action that a private sector employer takes from time to time as a consequence of a transferred employee's position being identified as surplus to the employer's requirements must consist of or include an offer of a separation package that complies with this section.

(2) If a private sector employer makes an offer to a transferred employee under subsection (1) after the end of the employee's first two years after becoming a transferred employee, an offer must also be made to the employee of public sector employment with a rate of pay that is at least equivalent to the rate of pay of the employee's position immediately before the employee's relocation to public sector employment.

(3) A transferred employee who is made an offer of a separation package under subsection (1) must be allowed—

(a) if an offer of public sector employment is also made under subsection (2)—at least one month from the date of the offer of public sector employment to accept either of the offers;

(b) in any other case—at least one month to accept the offer.

(4) If a transferred employee has been offered both a separation package and public sector employment under this section and has failed to accept either offer within the period allowed, the employee is taken to have accepted the offer of a separation package.

(5) The employment of a transferred employee may not be terminated as a consequence of the employee's position being identified, within the employee's first two years after becoming a transferred employee, as surplus to a private sector employer's requirements unless the employee has accepted (or is taken to have accepted) an offer under this section or otherwise agreed to the termination.

(6) A separation package offered to a transferred employee under this section must include an offer of a payment of an amount not less than the lesser of the following:

(a) (8 + 3CYS)WP;

(b) 104WP,

where—

CYS is the number of the employee's continuous years of service in relevant employment determined in the manner fixed by the Minister by order in writing; and

WP is the employee's weekly rate of pay determined in the manner fixed by the Minister by order in writing.

(7) An order of the Minister—

(a) may make different provision in relation to the determination of an employee's continuous years of service or weekly rate of pay according to whether the relevant employment was full-time or part-time, included periods of leave without pay or was affected by other factors; and

(b) may be varied by the Minister by further order in writing made before any employee becomes a transferred employee; and

(c) must be published in the *Gazette*.

(8) A person who relocates to public sector employment as a result of acceptance of an offer under this section is taken to have accrued as an employee in public sector employment an entitlement to annual leave, sick leave and long service leave that

is equivalent to the entitlements that the person had accrued, immediately before the relocation, as an employee of the private sector employer.

(9) It is a condition of an offer of a separation package or public sector employment under this section that the employee waives any right to compensation or any payment arising from the cessation or change of employment, other than the right to superannuation payments or other payments to which the employee would be entitled on resignation assuming that the employee were not surplus to the employer's requirements.

(10) If an employee is relocated to public sector employment as a result of acceptance of an offer under this section—

(a) the employee may not be retrenched from public sector employment; and

(b) the employee's rate of pay in public sector employment may not be reduced except for proper cause associated with the employee's conduct or physical or mental capacity.

(11) Subsection (1) does not apply if the action that a private sector employer takes as a consequence of an employee's position being identified as surplus to the employer's requirements consists only of steps to relocate the employee to another position in the employment of that employer or a related employer in the electricity supply industry with—

(a) functions that are in their general nature the same as, or similar to, the functions of the surplus position; and

(ab) a principal workplace or principal work depot not more than 45 kilometres distant by the shortest practicable route by road from the principal workplace or principal work depot of the surplus position; and

(b) a rate of pay that is at least equivalent to the rate of pay of the surplus position.

(12) For the purposes of subsection (5), the employment of a transferred employee is taken not to have been terminated by reason only of the fact that the employee has been relocated to another position in the employment of the same employer or a related employer in the electricity supply industry if the rate of pay of that position is at least equivalent to the rate of pay of the employee's previous position.

(13) In this section—

'award or agreement' means award or agreement under the Industrial and Employee Relations Act 1994 or the Workplace Relations Act 1996 of the Commonwealth as amended from time to time;

'electricity supply industry' has the same meaning as in the Electricity Act 1996;

'private sector employer' means—

(a) a purchaser under a sale/lease agreement or a company that was an electricity corporation or State-owned company before the shares in the company were transferred to a purchaser under a sale/lease agreement; or

(b) an employer who is related to a purchaser or company referred to in paragraph (a);

'public sector employment' means employment in the Public Service of the State, or by an instrumentality of the Crown or a statutory corporation;

'rate of pay' includes an amount paid to an employee to maintain the employee's rate of pay in a position at the same level as the rate of pay of a position previously occupied by the employee;

'relevant employment' means—

(a) employment by The Electricity Trust of South Australia, an electricity corporation or a State-owned company; or

(b) employment by a private sector employer;

'transferred employee' means an employee—

(a) who—

(i) was transferred by an employee transfer order to the employment of a purchaser under a sale/lease agreement; or

(ii) was in the employment of a company that was an electricity corporation or a State-owned company when the shares in the company were transferred to a purchaser under a sale/lease agreement; and

(b) who has remained continuously in the employment of that purchaser or company or in the employment of an employer related to that purchaser or company since the making of the relevant sale/lease agreement; and

(c) whose employment is subject to an award or agreement.

(14) Employers are related for the purposes of this section if—

(a) one takes over or otherwise acquires the business or part of the business of the other; or

(b) they are related bodies corporate within the meaning of the Corporations Law; or

(c) a series of relationships can be traced between them under paragraph (a) or (b).

PART 3B

LICENCES UNDER ELECTRICITY ACT

Licences under Electricity Act

15C. (1) The Minister may, by order in writing, require that a licence under the Electricity Act 1996 authorising specified operations be issued to a State-owned company, or to the purchaser under a sale/lease agreement, in accordance with specified requirements as to the term and conditions of the licence and rights conferred by the licence.

(2) The requirements of the Minister as to the conditions of a licence must be consistent with the provisions of the Electricity Act 1996 as to such conditions.

(3) The Minister may, by order in writing, require that a licence issued to a State-owned company in accordance with an order under subsection (1) be transferred to a purchaser under a sale/lease agreement.

(4) The Minister may, by order in writing, require that a licence issued to a purchaser in accordance with an order under subsection (1), or transferred to a purchaser in accordance with an order under subsection (3), be transferred to the transferee under a special order.

(5) An order under this section must be given effect to without the need for the State-owned company, or the purchaser, to apply for the licence or agreement to the transfer of the licence and despite the provisions of the Electricity Act 1996 and section 7 of the Independent Industry Regulator Act 1998.

(6) An order may not be made more than once under this section for the issue of a licence in respect of the same electricity generating plant.

(7) An order may not be made more than once under this section for the issue of a licence in respect of the same electricity retailing business.

(8) A licence issued to a State-owned company in accordance with an order under this section may not be suspended or cancelled under the Electricity Act 1996 on the ground of any change that has occurred in the officers or shareholders of the company associated with the company's ceasing to be a State-owned company.

No. 47. Page 12, lines 18 to 20 (clause 18)—Leave out 'within six months from the end of the designated period, pay to the Treasurer, for the credit of the Consolidated Account' and insert:

at such time as the Treasurer stipulates, pay to the Treasurer, for the credit of the Consolidated Account,

No. 48. Page 12, line 23 (clause 18)—Leave out 'Crown's ownership or control' and insert:

company's relationship to the Crown

No. 49. Page 13, lines 9 and 10 (clause 18)—Leave out 'of the Commonwealth' and insert:

, or the Income Tax Assessment Act 1997, of the Commonwealth (as amended from time to time)

No. 50. Page 13, lines 13 to 18 (clause 19)—Leave out this clause and insert new clause as follows:

Relationship of electricity corporation or State-owned company and Crown

19. (1) An electricity corporation is an instrumentality of the Crown but ceases to be such an instrumentality when it ceases to be an electricity corporation.

(2) A company that is a State-owned company is an instrumentality of the Crown but ceases to be such an instrumentality when it ceases to be a State-owned company.

No. 51. Page 13—After line 18 insert new clause as follows:

Electricity infrastructure severed from land

19A. Electricity infrastructure or public lighting infrastructure the subject of a transfer order, vesting order, sale/lease agreement or special order is to be taken to be transferred, vested or leased (as the case may be) by the order or agreement as if the infrastructure were personal property severed from any land to which

it is affixed or annexed and owned separately from the land.

No. 52. Page 13, line 26 (clause 21)—Leave out 'or re-transfer order'.

No. 53. Page 14, lines 8 to 10 (clause 22)—Leave out subclause (3) and insert new subclause as follows:

(3) An application under section 223ld of the Real Property Act 1886 for the division of land, or an application under section 14 of the Community Titles Act 1996 for the division of land by a plan of community division, that is certified in writing by the Minister as being for the purposes of a transaction under this Act need not be accompanied by a certificate under Part 4 of the Development Act 1993.

No. 54. Page 14—After line 10 insert new clauses as follows:

Correction of statutory references to ETSA, etc.

22A. (1) The Governor may, by regulation, amend an Act or statutory instrument containing a reference to the Electricity Trust of South Australia, ETSA, SAGC or electricity authorities as the Governor considers necessary in consequence of action under this Act.

(2) This section expires two years after its commencement.

Exclusion of Crown liability as owner, etc., of leased assets

22B. If a lease is granted in respect of assets by a sale/lease agreement, the lessor and the Crown will, despite any other Act or law, be immune from civil or criminal liability (other than a liability under the lease to the lessee) to the extent specified by the Governor by proclamation made on or before the date of the sale/lease agreement.

No. 55. Page 14, lines 12 and 13 (clause 23)—Leave out 're-transfer order, sale/lease agreement' and insert:

vesting order, sale/lease agreement, special order

No. 56. Page 17—After line 19 insert new Schedule as follows:

SCHEDULE 1A

Conversion of Electricity Corporation to State-owned Company

Steps before conversion of electricity corporation to company

1. (1) As from a date specified by proclamation, the electricity corporation is to have a share capital.

(2) The proclamation may contain requirements for the issuing of shares by the electricity corporation to specified Ministers of the Crown, including (without limitation) requirements as to the number of shares to be issued, the rights to be attached to the shares, the issue price of the shares and the consideration to be given for the shares.

(3) The Ministers to whom shares in the electricity corporation are issued are not members of the electricity corporation at any time before its conversion to a company limited by shares merely because the Ministers hold those shares.

(4) The electricity corporation is authorised (with the approval of the Minister) to take such action as is necessary or desirable to be taken for the purpose of its being registered as a proprietary or public company limited by shares under Part 5B.1 of the Corporations Law (Registering a body corporate as a company), including (without limitation) action to adopt a constitution approved by the Minister.

(5) The electricity corporation must take such action of a kind referred to in subclause (4) as is required by the proclamation.

Membership of the electricity corporation following conversion

2. (1) The Ministers, as holders of shares in the electricity corporation at the time of its conversion to a company limited by shares, become (by force of this subclause) members of the electricity corporation at the time of that conversion.

(2) The Ministers are, in relation to membership of the electricity corporation following its conversion, entitled to the same rights, privileges and benefits, and are subject to the same duties, liabilities and obligations, as if they had become members of the electricity corporation immediately prior to its conversion.

Continuity of electricity corporation and construction of references to electricity corporation

3. (1) Without limiting any provision of the Corporations Law, the electricity corporation as converted into a company limited by shares is a continuation of, and the same legal entity as, the electricity corporation as it existed before the conversion.

(2) After the conversion, a reference in any instrument to the electricity corporation is to be read as a reference to the electricity corporation as converted into a company limited by shares.

Proclamations

4. The Governor may make proclamations for the purposes of this Schedule.

No. 57. Page 18, lines 1 to 21 (Schedule 2)—Leave out Schedule 2 and insert new Schedule 2 as follows:

SCHEDULE 2

Related Amendments

PART 1

AMENDMENT OF DEVELOPMENT ACT 1993

Interpretation

1. The Development Act 1993 is referred to in this Part as 'the principal Act'.

Amendment of s. 48—Governor to give decision on development

2. Section 48 of the principal Act is amended by inserting in subsection (1)(b) 'or 49A(19) ' after 'section 49(16a) '.

Insertion of Part 4 Division 3A

3. The following Division is inserted after section 49 of the principal Act:

DIVISION 3A

DEVELOPMENT INVOLVING ELECTRICITY INFRASTRUCTURE

Development involving electricity infrastructure

49A. (1) Subject to this section, if a prescribed person proposes to undertake development for the purposes of the provision of electricity infrastructure (within the meaning of the Electricity Act 1996), not being development of a kind referred to in section 49(2) or (3), the person must—

(a) lodge an application for approval containing prescribed particulars with the Development Assessment Commission for assessment by the Development Assessment Commission; and

(b) if the land in relation to which the development is proposed is within the area of a council—give notice containing prescribed particulars of the proposal to that council in accordance with the regulations.

(2) No application for approval is required (either under this section or any other provision of this Act), and no notice to a council is required under subsection (1), if the development is of a kind excluded from the provisions of this section by regulation.

(3) The Development Assessment Commission may request the proponent to provide additional documents or information (including calculations and technical details) in relation to the application.

(4) A council may report to the Development Assessment Commission on any matters contained in a notice under subsection (1).

(5) Where a notice is given to a council under subsection (1), and a report from the council is not received by the Development Assessment Commission within two months of the date of the notice, it will be conclusively presumed that the council does not intend to report on the matter.

(6) The Development Assessment Commission must assess an application lodged with it under this section and then prepare a report to the Minister on the matter.

(7) If it appears to the Development Assessment Commission that the proposal is seriously at variance with—

(a) the provisions of the appropriate Development Plan (so far as they are relevant); or

(b) any code or standard prescribed by the regulations for the purposes of this provision,

specific reference to that fact must be included in the report.

(8) If a council has, in relation to any matters referred to the council under subsection (1), expressed opposition to the proposed development in its report under subsection (4), a copy of the report must be attached to the Development Assessment Commission's report (unless the council has, since providing its report, withdrawn its opposition).

(9) The Development Assessment Commission must, unless the Minister grants an extension of time, furnish its report within three months of its receipt of the relevant application.

(10) Where a request is made under subsection (3), any period between the date of request and the date of compliance is not to be included in the calculation of the three-month period under subsection (9).

(11) The Minister may, after receipt of the report of the Development Assessment Commission under this section (and after taking such action (if any) as the Minister thinks fit)—

(a) approve the development; or

(b) refuse to approve the development.

(12) An approval may be given—

(a) for the whole or part of a proposed development;

(b) subject to such conditions as the Minister thinks fit.

(13) An approval under this section will be taken to be given subject to the condition that, before any building work is undertaken, the building work be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules to the extent that is appropriate in the circumstances.

(14) A person acting under subsection (13) must—

(a) seek and consider the advice of the Building Rules Assessment Commission before giving a certificate in respect of building work that would be at variance with the performance requirements of the Building Code; and

(b) take into account the criteria, and comply with any requirement, prescribed by the regulations before giving a certificate in respect of building work that would otherwise involve a variance with the Building Rules,

and if the person gives a certificate that involves building work that is at variance with the Building Rules then the person must, subject to the regulations, specify the variance in the certificate.

(15) A person engaged to perform building work for a development approved under this section must—

(a) ensure that the building work is performed in accordance with technical details, particulars, plans, drawings and specifications certified for the purposes of subsection (13); and

(b) comply with the Building Rules (subject to any certificate under subsection (13) that provides for a variance with the Building Rules), and any other requirements imposed under this section.

Penalty: Division 4 fine.

Default penalty: $200.

(16) A person must not contravene, or fail to comply with, a condition of an approval under this section.

Penalty: Division 3 fine.

Additional penalty.

Default penalty: $500.

(17) If—

(a) a council has, in a report under this section, expressed opposition to a development that is approved by the Minister (and the council has not, since providing its report, withdrawn its opposition); or

(b) the Minister approves a development that is, according to the report of the Development Assessment Commission, seriously at variance with a Development Plan, or a prescribed code or standard,

the Minister must, as soon as practicable, prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

(18) If the Minister approves a development under this section, no other procedure or requirement relating to the assessment of the development under this Act applies and no other development authorisation (including a certificate or approval under Part 6) is required under this Act, although the Minister may, if necessary for the purposes of any other Act, issue any other development authorisation under this Act (which will then be taken, for the purposes of that other Act, to have been issued by a relevant authority under this Act).

(19) Despite a preceding subsection, if the Minister directs that an EIS, PER or DR be prepared with respect to a development otherwise within the ambit of this section then—

(a) this section ceases to apply to the development; and

(b) the proponent must not undertake the development without the approval of the Governor under section 48; and

(c) unless section 48(2)(a) applies, the development becomes, according to a determination of the Major Developments Panel, subject to the processes and procedures prescribed by Division 2 with respect to the preparation and consideration of an EIS, a PER or a DR.

(20) No appeal lies against a decision of the Minister under this section.

PART 2
AMENDMENT OF ELECTRICITY CORPORATIONS ACT 1994

Interpretation

4. The Electricity Corporations Act 1994 is referred to in this Part as 'the principal Act'.

Amendment of long title

5. The long title of the principal Act is amended by striking out 'to provide for the assets of electricity corporations to remain in public ownership;'.

Repeal of s. 3

6. Section 3 of the principal Act is repealed.

Insertion of s. 7A

7. The following section is inserted after section 7 of the principal Act:

Power of Minister to vary functions

7A. The Minister may, by direction to an electricity corporation, relieve it of functions, add to its functions or otherwise vary its functions as the Minister considers necessary or expedient in consequence of—

(a) action taken under the Electricity Corporations (Restructuring and Disposal) Act 1998; or

(b) the operation of the National Electricity (South Australia) Law and the National Electricity Code (as defined in that Law).

Amendment of s. 14—Establishment of board

8. Section 14 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) The board consists of not less than four nor more than six members appointed by the Governor, of whom one may be the chief executive officer.;

(b) by striking out subsection (4) and substituting the following subsection:

(4) At least one member of the board must be a woman and one a man.;

(c) by striking out from subsection (7) 'an appointed director' and substituting 'a director'.

Amendment of s. 15—Conditions of membership

9. Section 15 of the principal Act is amended—

(a) by striking out from subsection (2) 'an appointed director' and substituting 'a director';

(b) by striking out from subsection (3) 'an appointed director' and substituting 'a director';

(c) by striking out from subsection (4) 'an appointed director' and substituting 'a director'.

Amendment of s. 17—Remuneration

10. Section 17 of the principal Act is amended by striking out 'An appointed director' and substituting 'A director'.

Amendment of s. 18—Board proceedings

11. Section 18 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A quorum of the board consists of one-half of the total number of members of the board (ignoring any fraction resulting from the division) plus one.

Amendment of s. 28—Establishment of board

12. Section 28 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) The board consists of not less than four nor more than six members appointed by the Governor, of whom one may be the chief executive officer.;

(b) by striking out subsection (4) and substituting the following subsection:

(4) At least one member of the board must be a woman and one a man.;

(c) by striking out from subsection (7) 'an appointed director' and substituting 'a director'.

Amendment of s. 29—Conditions of membership

13. Section 29 of the principal Act is amended—

(a) by striking out from subsection (2) 'an appointed director' and substituting 'a director';

(b) by striking out from subsection (3) 'an appointed director' and substituting 'a director';

(c) by striking out from subsection (4) 'an appointed director' and substituting 'a director'.

Amendment of s. 31—Remuneration

14. Section 31 of the principal Act is amended by striking out 'An appointed director' and substituting 'A director'.

Amendment of s. 32—Board proceedings

15. Section 32 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A quorum of the board consists of one-half of the total number of members of the board (ignoring any fraction resulting from the division) plus one.

Repeal of s. 47A

16. Section 47A of the principal Act is repealed.

Amendment of s. 48—Mining at Leigh Creek

17. Section 48 of the principal Act is amended by striking out from subsection (1) 'under an Act specifically authorising that sale, lease, contract or right' and substituting 'as authorised by or under regulations made under the Electricity Corporations (Restructuring and Disposal) Act 1998'.

PART 3
AMENDMENT OF ENVIRONMENT PROTECTION ACT 1993

Interpretation

18. The Environment Protection Act 1993 is referred to in this Part as 'the principal Act'.

Amendment of s. 7—Interaction with other Acts

19. Section 7 of the principal Act is amended by inserting before paragraph (a) of subsection (3) the following paragraph:

(a1) the Electricity Corporations (Restructuring and Disposal) Act 1998; and.

PART 4
AMENDMENT OF MINING ACT 1971

Interpretation

20. The Mining Act 1971 is referred to in this Part as 'the principal Act'.

Amendment of s. 17—Royalty

21. Section 17 of the principal Act is amended by inserting in subsection (8) 'or some other basis' after 'recovered'.

Schedule of the suggested amendments made by the Legislative Council

No. 1. Page 15, lines 3 to 35 and page 16, lines 1 to 9 (Schedule 1)—Leave out clauses 1, 2 and 3 and insert new clauses as follow:

Electricity infrastructure taken not to have merged with land

1. (1) This clause applies to electricity infrastructure that is or was owned or operated by an electricity corporation or State-owned company and is situated on, above or under land that does not or did not belong to the electricity corporation or State-owned company.

(2) Subject to any agreement in writing to the contrary, the ownership of electricity infrastructure to which this clause applies will be taken never to have been affected by its affixation or annexation to the land.

Statutory easement relating to infrastructure

2. (1) A body specified by proclamation for the purposes of this clause will have an easement over land where—

(a) electricity infrastructure owned or operated by the body is on, above or under the land and the land does not belong to the body; and

(b) that infrastructure was, before a date specified in the proclamation, owned or operated by an electricity corporation or State-owned company and the land did not belong to the electricity corporation or State-owned company.

(2) The easement entitles the specified body—

(a) to maintain the relevant electricity infrastructure on, above or under the land affected by the easement;

(b) to enter the land, by its agents or employees, at any reasonable time, for the purpose of operating, examining, maintaining, repairing, modifying or replacing the relevant electricity infrastructure;

(c) to bring on to the land any vehicles or equipment that may be reasonably necessary for any of the above purposes.

(3) The powers conferred by the easement must be exercised so as to minimise, as far as reasonably practicable, interference with the enjoyment of the land by persons lawfully occupying the land.

(4) Section 47(3) to (10) of the Electricity Act 1996 (and any regulations made for the purposes of any of those provisions) apply to the carrying out of work under this clause on public land (within the meaning of that section) in the same way as to the carrying out of work on public land under that section.

(5) The specified body must make good any damage caused by the exercise of powers under this clause as soon as practicable or pay reasonable compensation for the damage.

(6) If the specified body has an easement relating to electricity infrastructure over another person's land otherwise than by virtue of this clause, the application of the easement under this clause to the land is excluded to the extent necessary to avoid the same part of the land being subject to both easements.

(7) The specified body may, by instrument in writing, limit rights or impose conditions on the exercise of rights arising under the easement under this clause (and such an instrument has effect according to its terms).

(8) An easement under this clause need not be registered.

(9) However, the Registrar-General must, on application by the specified body, note an easement under this clause on each certificate of title, or Crown lease, affected by the easement.

(10) An application under this clause—

(a) need not include a plan of the easement;

(b) must include a schedule of all certificates of title and Crown leases affected by the easement.

(11) The Registrar-General is entitled to act on the basis of information included in the application and is not obliged to do anything to verify the accuracy of that information.

No. 2. Page 16, lines 10 to 19, clause 4 (Schedule 1)—Leave out this clause and insert new clause as follows:

Liability of certain bodies to council rates or amounts in lieu of rates

4. (1) The following provisions apply in relation to the liability of a State-owned company to pay rates under the Local Government Act 1934, despite the provisions of that Act:

(a) a State-owned company is liable to pay rates;

(b) land and buildings of a State-owned company are rateable property within the meaning of that Act;

(c) the following are not rateable property within the meaning of that Act:

(i) plant or equipment used by a State-owned company in connection with the generation, transmission or distribution of electricity (whether or not the plant or equipment is situated on land owned by the corporation);

(ii) easements, rights of way or other similar rights (including such rights arising by virtue of a licence) that have been granted or operate in connection with the generation, transmission or distribution of electricity.

(2) Despite the Local Government Act 1934, the following are not rateable property within the meaning of that Act:

(a) plant or equipment (other than electricity generating plant and substations for converting, transforming or controlling electricity) used by a body specified by proclamation for the purposes of this clause in connection with the generation, transmission or distribution of electricity (whether or not the plant or equipment is situated on land owned by the body);

(b) easements, rights of way or other similar rights (including such rights arising by virtue of a licence) that have been granted or operate in connection with the generation, transmission or distribution of electricity.

(3) Despite the Local Government Act 1934, the Governor may, by proclamation, declare that the rates payable under that Act in respect of specified land on which is situated any electricity generating plant, or substation for converting, transforming or controlling electricity, used by a body specified in the proclamation are reduced to a specified amount or an amount determined in a specified manner.

(4) The holder of a licence authorising the generation of electricity at Torrens Island must, as required by proclamation, make payments to the Treasurer for the credit of the Consolidated Account of amounts determined in accordance with the provisions of the proclamation (being provisions framed having regard to rates imposed under the Local Government Act 1934 in the adjoining council areas).

(5) A proclamation made for the purposes of this clause may not be revoked and may be varied only by regulation and if the variation reduces the future liabilities of the body to which the proclamation relates.

No. 3. Page 17 (Schedule 1)—After line 15 insert new clause as follows:

Agreement between Minister and licensee about environmental compliance

5A. (1) Subject to this clause, an agreement may be made between the Minister and the holder of a specially issued licence requiring the licensee to undertake programs directed towards reducing the adverse effects on the environment of the operations authorised by the licence and containing provisions dealing with and limiting the licensee's environmental protection obligations in relation to those operations.

(2) The Minister may not make an agreement with a licensee under this clause—

(a) if the licence was issued or transferred to the purchaser under a sale/lease agreement—more than one month after the issue or transfer of the licence to the purchaser; or

(b) if paragraph (a) does not apply and the licence was issued to a State-owned company—more than one month after the company ceases to be a State-owned company.

(3) It is a precondition to the making of an agreement under this clause that the Environment Protection Authority approves the terms of the agreement.

(4) An agreement under this clause has effect as a contract for the period specified in the agreement and is binding on, and operates for the benefit of, the licensee who entered into the agreement, successive holders of the licence and a person who holds some subsequently granted licence under the Electricity Act 1996 authorising operations to which the agreement relates.

(5) The Environment Protection Act 1993 and any statutory instruments under that Act are to be construed subject to an agreement under this clause and, to the extent of any inconsistency between that Act or statutory instrument and the agreement, the agreement prevails.

(6) Any adverse effects on the environment specifically permitted by an agreement under this clause are to be taken—

(a) not to constitute a contravention of the Environment Protection Act 1993 or any statutory instrument under that Act; and

(b) not to give rise to any liability under any Act or at law.

(7) An agreement under this clause may be varied by further agreement between the Environment Protection Authority and the licensee for the time being bound by the agreement.

(8) An agreement or variation of an agreement under this clause must be published in the *Gazette*.

(9) In this clause—

'Minister' means the Minister to whom the administration of the Environment Protection Act 1993 is committed.

No. 4. Page 17, line 18, clause 6 (Schedule 1) —Leave out 'The Governor' and insert:

Except as otherwise provided in this Schedule, the Governor

No. 5. After new Schedule 1A insert new Schedule 1B as follows:

SCHEDULE 1B

Amendments relating to Superannuation

PART 1

PRELIMINARY

Commencement

1. (1) Parts 2, 3 and 4 of this Schedule come into operation in accordance with a notice or notices by the Treasurer published in the *Gazette*.

(2) A notice may—

(a) fix the same day or different days for different provisions of Parts 2, 3 and 4 to come into operation;

(b) suspend the operation of specified provisions of Part 2, 3 or 4 until a day or days to be fixed by subsequent notice or notices.

(3) In this clause—

'provision' means—

(a) a clause, or a paragraph of a clause, of this Schedule; or

(b) a clause of a schedule (including a clause of the Trust Deed) inserted or substituted by this Schedule; or

(c) a clause of Schedule 1 of the Electricity Corporations Act 1994 (including a clause of the Trust Deed) inserted by clause 4 of this Schedule; or

(d) a subclause or a paragraph or subparagraph of a clause referred to in paragraph (b) or (c) or a paragraph or subparagraph of such a subclause.

PART 2

SUBSTITUTION OF SCHEDULE 1 OF ELECTRICITY CORPORATIONS ACT 1994

Substitution of Schedule 1

2. Schedule 1 of the Electricity Corporations Act 1994 is repealed and the following Schedule is substituted:

SCHEDULE 1

Superannuation

PART A—PRELIMINARY

Interpretation

1. (1) In this Schedule, unless the contrary intention appears—

'actuary' means—

(a) a Fellow or Accredited Member of the Institute of Actuaries of Australia; or

(b) a partnership at least one member of which must be a Fellow or Accredited Member of the Institute of Actuaries of Australia; or

(c) a body corporate that employs or engages a Fellow or Accredited Member of the Institute of Actuaries of Australia for the purpose of providing actuarial advice;

'the Board' means the Electricity Industry Superannuation Board—see Part B;

'electricity supply industry' has the same meaning as in the Electricity Act 1996;

'employer' means—

(a) a person or body who employs a pre-privatisation member of the Scheme in the electricity supply industry;

(b) a person or body who employs any other member of the Scheme in the electricity supply industry;

(c) a public sector employer who employs a pre-privatisation member of the Scheme who accepted an offer made under section 15B of the Electricity Corporations (Restructuring and Disposal) Act 1998;

'member' of the Scheme has the same meaning as in the Trust Deed;

'pre-privatisation member' means a person who was a member of Division 2, 3 or 4 of the Electricity Industry Superannuation Scheme immediately before the commencement of clause 10 but does not include a person who, after the commencement of that clause, ceased to be a member of the Scheme but is subsequently re-admitted to membership of the Scheme;

'private sector employer' means an employer that is not the Crown, an electricity corporation or a State-owned company or any instrumentality of the Crown or statutory corporation;

'public sector employer' means an employer that is the Crown, an electricity corporation or a State-owned company or any instrumentality of the Crown or statutory corporation;

'the Rules' means the Rules referred to in the Trust Deed;

'the Scheme' means the Electricity Industry Superannuation Scheme—see clause 3 of the Trust Deed;

'the Scheme assets' has the same meaning as in the Trust Deed;

'State-owned company' has the same meaning as in the Electricity Corporations (Restructuring and Disposal) Act 1998;

'the Trust Deed' means the trust deed appearing at the end, and forming part, of this Schedule.

(2) In this Schedule, a reference to a Commonwealth Act is a reference to that Act as amended from time to time or an Act enacted in substitution for that Act.

PART B—THE ELECTRICITY INDUSTRY SUPERANNUATION BOARD

The Electricity Industry Superannuation Board

2. (1) The ETSA Superannuation Board continues in existence under the name Electricity Industry Superannuation Board.

(2) The Board—

(a) is a body corporate; and

(b) has perpetual succession and a common seal; and

(c) is capable of suing and being sued in its corporate name; and

(d) is a constitutional corporation for the purposes of section 19 of the Superannuation Industry (Supervision) Act 1993 of the Commonwealth; and

(e) has the functions and powers assigned or conferred by this Schedule, the Trust Deed and the Rules; and

(f) is not an agency or instrumentality of the Crown.

(3) Where a document appears to bear the common seal of the Board, it will be presumed, in the absence of proof to the contrary, that the document was duly executed by the Board.

Function of Board

3. (1) Subject to subclause (2), the Board is the trustee of the Scheme and is responsible for all aspects of the administration of the Scheme pursuant to this Schedule, the Trust Deed and the Rules.

(2) Subject to subclause (3), the Board ceases to be the trustee of the Scheme at the end of the financial year in which, for the first time, all members of the Scheme who are employed in the

electricity supply industry are employed by private sector employers.

(3) The private sector employers may, by a majority decision, extend the Board's office as trustee of the Scheme.

(4) If the Board ceases to be the trustee of the Scheme, the Treasurer may, by notice in the *Gazette*, dissolve the Board and in that event any assets of the Board in addition to the Scheme assets will vest in the new trustee of the Scheme and any liabilities of the Board will attach to the new trustee.

Board's membership

4. (1) The Board consists of the following members:

(a) two members elected by the members of the Scheme in accordance with the Rules; and

(b) three members appointed by the employers pursuant to the Rules; and

(c) one member appointed by the Treasurer; and

(ca) two members appointed by the United Trades and Labor Council; and

(d) an independent member appointed by the other members of the Board.

(1a) In the case of the members elected under subclause (1)(a), and in the case of the members appointed under subclause (1)(b), at least one must be a woman and at least one must be a man.

(2) A member of the Board may, with the approval of the Board, appoint a deputy to the member and the deputy may, in the absence or during a temporary vacancy in the office of that member, act as a member of the Board.

(3) Subject to subclause (4), a member of the Board will be elected or appointed for a term not exceeding three years determined in accordance with the Rules.

(4) A member of the Board elected or appointed to fill a casual vacancy will be elected or appointed for the balance of the term of his or her predecessor.

(5) The office of a member of the Board becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not re-elected or re-appointed; or

(c) resigns by written notice to the Board; or

(d) is removed from office by the Treasurer on the ground—

(i) of mental or physical incapacity to carry out official duties satisfactorily; or

(ii) of neglect of duty; or

(iii) of misconduct; or

(iv) that the member is a disqualified person within the meaning of the Superannuation Industry (Supervision) Act 1993 of the Commonwealth.

Procedure at meetings of Board

5. (1) A meeting of the Board will be chaired by the independent member but, if he or she is absent, the meeting will be chaired by a member of the Board chosen by those present.

(2) Subject to subclause (3), the Board may act despite vacancies in its membership.

(3) Six members of the Board constitute a quorum for a meeting of the Board.

(4) Each member present at a meeting of the Board is entitled to one vote on a matter arising for determination at the meeting.

(5) A decision of the Board requires the vote of six members of the Board in favour of the decision.

(6) Subject to this Schedule, the Trust Deed and the Rules, the Board may determine its own procedures.

(7) The Board must keep minutes of its proceedings.

PART C—OWNERSHIP OF SCHEME ASSETS

Ownership of Scheme assets

6. The Scheme assets (excluding assets comprising, or arising from, contributions paid to the Board by private sector employers or amounts paid to the Scheme pursuant to clause 14(2)) belong (both in law and in equity) to the Crown.

PART D—REPORTS

Reports

7. (1) The Board must, on or before 31 October in each year, submit a report to the Treasurer on the operation of this Schedule, the Trust Deed and the Rules and on the management and investment of the Scheme assets during the financial year ending on 30 June in that year.

(2) The report under subclause (1) must include the audited financial statements of the Scheme for the relevant financial year.

(3) An actuary appointed by the Board must, in relation to the triennium ending on 30 June 1999 and thereafter in relation to each succeeding triennium, report to the employers, the Board and the Treasurer—

(a) on the employer costs of the Scheme at the time of making the report and during the foreseeable future; and

(b) on the ability of the Scheme assets to meet the Scheme's current and future liabilities,

(each report must be submitted within 12 months after the end of the relevant triennium).

(4) The Treasurer must, within six sitting days after receiving a report under this clause, have copies of the report laid before both Houses of Parliament.

(5) Where, under the Rules, the Board determines a rate of return that is at variance with the net rate of return achieved by investment of the Scheme assets, the Board must include its reasons for the determination in its report for the relevant financial year.

PART E—TRANSFER OF MEMBERS OF THE NON-CONTRIBUTORY SCHEME

Transfer of members of the non-contributory scheme

8. (1) The Treasurer may, by notice in writing to the Electricity Industry Superannuation Board and the South Australian Superannuation Board before the relevant day, transfer a member of the non-contributory scheme who is no longer employed by an employer within the meaning of this Schedule but who is entitled to preserved benefits in the non-contributory scheme to a superannuation scheme (to be specified in the notice) established by an Act of Parliament.

(2) The trustee of a scheme to whom a person is transferred under subclause (1) must open an employer contribution account in the name of the person and must credit to the account the balance credited in favour of the person in the non-contributory scheme immediately before the transfer.

(3) The Governor may, by regulation, make provisions of a transitional nature in relation to the transfer of a person under this clause.

(4) A regulation under subclause (3) may—

(a) modify the provisions of the Act establishing the scheme to which the person has been transferred in their application to that person;

(b) operate prospectively or retrospectively from a date specified in the regulation.

(5) A notice under subclause (1) must identify the person or persons to whom it applies.

(6) On receipt of the notice, the Electricity Industry Superannuation Board must give notice to each person transferred advising him or her of the transfer.

(7) On the transfer of a person under this clause, his or her entitlements under the non-contributory scheme cease.

(8) The South Australian Superannuation Board may, from time to time, require the Electricity Industry Superannuation Board to provide it with information that is in its possession relating to persons transferred under this clause.

(9) Despite any other Act or law to the contrary, the Electricity Industry Superannuation Board must comply with a requirement under subclause (8).

(10) In this clause—

'the non-contributory scheme' means the non-contributory superannuation scheme maintained under Part H of Schedule 1 of this Act repealed by the Electricity Corporations (Restructuring and Disposal) Act 1998;

'the relevant day' means the day on which the approval of the Treasurer ceases to be required for the variation or replacement of the Rules.

PART F—MISCELLANEOUS

Exclusion of awards, etc., relating to superannuation

9. An employer cannot be required by an award or agreement under the Industrial and Employee Relations Act 1994 to make a payment—

(a) in the nature of superannuation; or

(b) to a superannuation fund,

for the benefit of a member or of a person to whom benefits accrue under the Scheme.

Closure of Division 2 of the Scheme

10. (1) Subject to subclause (2), a person cannot apply for membership of Division 2 of the Scheme after the commencement of this clause.

(2) Subclause (1) does not apply to a person who is a member of Division 3 or 4 of the Scheme when he or she applies for membership of Division 2.

Treasurer may vary Rules in relation to Taxation

11. (1) The Treasurer may, after consultation with the trustee of the Scheme, insert into the Rules a rule or rules relating to changes in benefits for members and employer costs in relation to those benefits, following the Scheme's loss of constitutional protection.

(2) A rule inserted by the Treasurer may—

(a) prescribe a decrease in the level of gross benefits; or

(b) require benefits to be paid on an untaxed basis or partly on an untaxed basis; or

(c) make provisions of the kind referred to in both subparagraphs (a) and (b),

in order to avoid or reduce an increase in employer costs caused by changes in the incidence of taxation as a result of the Scheme's loss of constitutional protection.

(3) Subject to subclause (4), the change in benefits effected by a rule made under this clause must not result in the level of net benefits to which a member, or a person in respect of a member, is entitled being less than the level of net benefits to which he or she would have been entitled if the Scheme had not lost constitutional protection.

(4) The level of net benefits to which a member, or a person in respect of a member, is entitled may be reduced below the level permitted by subclause (3) to avoid or reduce an increase in employer costs attributable to tax under the Superannuation Contributions Tax (Assessment and Collection) Act 1997 of the Commonwealth in relation to the member.

(5) A rule made under this clause may operate differently in relation to—

(a) different classes of members;

(b) different classes of benefits;

(c) different classes of components of benefits.

(6) A rule made under this clause—

(a) must be made by notice in writing given to the trustee of the Scheme before the relevant day;

(b) may be varied or revoked by the Treasurer by notice in writing to the trustee before that day;

(c) is not subject to the Subordinate Legislation Act 1978.

(7) The trustee of the Scheme may vary or replace a rule inserted in the Rules under this clause in the same manner as it can vary or replace any of the other rules of the Scheme.

(8) In this clause—

'level of gross benefits' in relation to a member means the amount of the benefits to which the member, or another person in respect of the member, is entitled under the Scheme before tax attributable to those benefits has been paid or allowed for;

'level of net benefits' in relation to a member means the amount of the benefits to which the member, or another person in respect of the member, is entitled after tax attributable to those benefits has been paid or allowed for using the tax rates applicable on the day on which the Scheme loses constitutional protection and based on the assumption that the member has reached the age of 55 years;

'the relevant day' means the day on which the approval of the Treasurer ceases to be required for the variation or replacement of the Rules.

(9) For the purposes of this clause—

(a) benefits are paid on an untaxed basis where the trustee of the Scheme has made an election under the Income Tax Assessment Act 1936 of the Commonwealth as a result of which the person receiving the benefits is liable for a higher rate of tax in relation to them;

(b) the Scheme loses constitutional protection when it ceases to be a constitutionally protected fund for the purposes of the Income Tax Assessment Act 1936 of the Commonwealth.

Appeal to trustee against rule under clause 11

12. (1) A member of the Scheme, or if the member has died, a person who is entitled to receive a benefit in respect of the member, may appeal to the trustee of the Scheme on the ground that a rule made under clause 11 has the effect in relation to the member of reducing the level of net benefits to which the member or other person is entitled below the level permitted by clause 11.

(2) An appeal—

(a) must be made in the manner and form determined by the trustee;

(b) may be made at any time before the expiration of six months after benefits have become payable to the member or other person and the member or other person has received a written statement from the trustee as to the amount of the benefits.

(3) If the trustee (after giving the appellant and the employer of the member, or former member, a reasonable opportunity to appear and be heard, either personally or by representative) is satisfied that the appeal should be allowed, it must—

(a) vary the effect of the rule as it applies to, or in respect of, the member; and

(b) determine the amount of the benefits to which the member or other person is entitled following the variation under paragraph (a); and

(c) make any ancillary determination or order that in its opinion is necessary or desirable.

(4) No proceedings for judicial review or for a declaration, injunction, writ, order or other remedy (other than an appeal under this clause) may be brought before a court, tribunal, or other person or body to challenge or question the validity or operation of a rule made under clause 11.

(5) In this clause—

'level of net benefits' has the same meaning as in clause 11.

Separation of Trust Deed from Schedule

13. (1) The Trust Deed ceases to form part of this Schedule on a day to be fixed by the Treasurer for that purpose by notice published in the *Gazette*.

(2) The Trust Deed remains in full force and effect after separation from this Schedule under subclause (1).

Obligations of employers

14. (1) An employer who employs a pre-privatisation member of the Scheme (whether before or after separation of the Trust Deed from this Schedule under clause 13) is bound by the Trust Deed as an employer under the Deed whether that person or body has agreed to be bound or not.

(2) Subject to subclause (4), where the employment of a member is transferred by an employee transfer order under the Electricity Corporations (Restructuring and Disposal) Act 1998 from an electricity corporation or a State-owned company to a purchaser under a sale/lease agreement within the meaning of that Act, the purchaser is liable (unless the Trust Deed or the Rules expressly provide otherwise) to pay to the Scheme within the period of five years immediately following the transfer of the employment of the member an amount (to be determined by an actuary appointed by the Treasurer) sufficient to meet the unfunded liability of the Scheme in respect of the member's entitlement to benefits that accrued before the transfer of the member's employment to the purchaser.

(3) The Treasurer is liable to pay to the Scheme the amount required to fully satisfy the whole or that part (if any) of the liability of a purchaser under subclause (2) that has not been satisfied by the purchaser within the period of five years immediately following the transfer of the employment of the member to whom the liability relates and, on payment of that amount by the Treasurer, the purchaser is liable to pay the same amount to the Treasurer.

(4) The Treasurer may, by notice in writing to the purchaser, release the purchaser from the whole or part of its liability under subclause (2) and, in that event, the Treasurer must pay to the Scheme the equivalent of the amount by which the purchaser's liability has been reduced.

THE ELECTRICITY INDUSTRY SUPERANNUATION SCHEME TRUST DEED

Operation of Deed

1. (1) This Deed forms part of Schedule 1 of the Electricity Corporations Act 1994 as substituted by the Electricity Corporations (Restructuring and Disposal) Act 1998 until the Schedule and this Deed are separated under clause 13 of the Schedule.

(2) This Deed comes into operation at the same time as the Schedule.

Interpretation

2. (1) In this Trust Deed, unless the contrary intention appears—

'actuary' means—

(a) a Fellow or Accredited Member of the Institute of Actuaries of Australia; or

(b) a partnership at least one member of which must be a Fellow or Accredited Member of the Institute of Actuaries of Australia; or

(c) a body corporate that employs or engages a Fellow or Accredited Member of the Institute of Actuaries of Australia for the purpose of providing actuarial advice;

'the Board' means the Electricity Industry Superannuation Board continued in existence by Schedule 1 of the Electricity Corporations Act 1994;

'commencement of this Deed'—see clause 1;

'electricity supply industry' has the same meaning as in the Electricity Act 1996;

'employer' means—

(a) a person or body who employs a pre-privatisation member of the Scheme in the electricity supply industry;

(b) a person or body who employs any other member of the Scheme in the electricity supply industry;

(c) a public sector employer who employs a pre-privatisation member of the Scheme who accepted an offer made under section 15B of the Electricity Corporations (Restructuring and Disposal) Act 1998;

'member' of the Scheme means a person who is a member of the Scheme pursuant to this Deed;

'pre-privatisation member' means a person who was a member of Division 2, 3 or 4 of the Electricity Industry Superannuation Scheme immediately before the commencement of clause 10 of the Schedule but does not include a person who, after the commencement of that clause, ceased to be a member of the Scheme but is subsequently re-admitted to membership of the Scheme;

'private sector employer' means an employer that is not the Crown, an electricity corporation or a State-owned company or any instrumentality of the Crown or statutory corporation;

'public sector employer' means an employer that is the Crown, an electricity corporation or a State-owned company or any instrumentality of the Crown or statutory corporation;

'repealed schedule' means Schedule 1 of the Electricity Corporations Act 1994 repealed by the Electricity Corporations (Restructuring and Disposal) Act 1998;

'the Rules' means the Rules of the Electricity Industry Superannuation Scheme (being the Rules of the ETSA Contributory Superannuation Scheme and the ETSA Non-Contributory Superannuation Scheme at the commencement of this Deed) as varied or replaced from time to time;

'the Schedule' means Schedule 1 of the Electricity Corporations Act 1994 as substituted by the Electricity Corporations (Restructuring and Disposal) Act 1998;

'the Scheme' means the Electricity Industry Superannuation Scheme—see clause 3;

'the Scheme assets'—see clause 9;

'special deposit account' means a special deposit account established under section 8 of the Public Finance and Audit Act 1987;

'State-owned company' has the same meaning as in the Electricity Corporations (Restructuring and Disposal) Act 1998.

(2) In this Schedule, a reference to a Commonwealth Act is a reference to that Act as amended from time to time or an Act enacted in substitution for that Act.

(3) The Rules form part of this Deed and accordingly a reference to the Deed includes a reference to the Rules.

(4) Although the Rules form part of the Deed, a provision of the Deed applies to the exclusion of a provision of the Rules to the extent of any inconsistency between them.

(5) In this Deed—

(a) every word of the masculine gender will be construed as including the feminine gender;

(b) every word of the feminine gender will be construed as including the masculine gender;

(c) every word in the singular number will be construed as including the plural number;

(d) every word in the plural number will be construed as including the singular number;

(e) every word in either of those genders or numbers will be construed as including a body corporate as well as an individual.

(6) A reference in this Deed to an Act, regulation, rule or other legislative instrument includes a reference to—

(a) that instrument as amended from time to time; and

(b) an instrument that replaces or supersedes it; and

(c) a regulation, rule or other instrument, and a written determination or ruling, made under or in connection with that instrument.

(7) The transfer of employment of a member from one employer to another employer under the Scheme (however effected) will not be taken to involve the termination of the previous employment and does not give rise to an immediate or delayed entitlement to benefits under the Scheme.

(8) The reference to 'employer' in subclause (7) includes a person or body who was not an employer for the purposes of this Deed until the employment of the member referred to in that subclause was transferred to the person or body.

Continuation of Scheme

3. (1) The ETSA Contributory Superannuation Scheme continues in existence under the name Electricity Industry Superannuation Scheme.

(2) The ETSA Non-Contributory Superannuation Scheme continues in existence as a division of the Electricity Industry Superannuation Scheme.

(3) Subject to subclause (2), the Scheme will be treated as made up of the divisions specified in the Rules.

(4) The Board may divide the Scheme assets into divisions according to the different investments that may be made of those assets.

(5) The Scheme assets will be allocated to the divisions of the Scheme in accordance with the Rules.

Rules of the Scheme

4. (1) The Board may, by instrument in writing, vary or replace the Rules with the approval of the Treasurer.

(2) The Subordinate Legislation Act 1978 does not apply to, or in relation to, rules made under this clause.

(3) The Rules must conform with the provisions of the Schedule and this Trust Deed.

(4) Where the variation or replacement of a rule would result in an increase in the contribution to be made by an employer or increase the liability of the employer under the Scheme in any other way, the rule cannot be varied or replaced without the approval of the employer.

(5) A variation or replacement of the Rules will be taken to come into operation on the date specified in the instrument varying or replacing the Rules whether being a date before or after the date on which the instrument was made or the date on which the Treasurer gave his or her approval.

(6) The Rules may confer discretionary powers.

Reduction in benefits on changes in taxation

5. (1) Subject to subclause (3), where the cost to employers of maintaining the existing level of benefits is increased by a change in the incidence of taxation occurring after the Scheme loses its status as a constitutionally protected fund under the Income Tax Assessment Act 1936 of the Commonwealth, the level of benefits is reduced to the extent necessary to avoid an increase in that cost.

(2) The extent of the reduction in the level of benefits under subclause (1) must be determined by the Board on the advice of an actuary.

(3) If the Board and all the employers agree that subclause (1) will operate to reduce the level of benefits to a lesser extent than is provided by that subclause, the subclause will operate in accordance with the agreement.

Membership of the Scheme

6. (1) The following persons are members of the Scheme:

(a) subject to subclause (2), a person who was a contributor under the repealed schedule immediately before the commencement of this Deed; and

(b) a person who was a member of the non-contributory scheme under the repealed schedule immediately before the commencement of this Deed; and

(c) all other persons who are accepted as members of the Scheme pursuant to the Rules.

(2) A contributor who died before the commencement of this Deed is a former member of the Scheme for the purposes of this Deed.

(3) A person ceases to be a member of the Scheme on death or when his or her rights in relation to superannuation under the Scheme have been exhausted.

Payment of contributions

7. (1) Contributions payable pursuant to the Rules by members of the Scheme and public sector employers must be paid to the Treasurer.

(2) Contributions payable pursuant to the Rules by private sector employers must be paid to the Board.

(3) Contributions paid to the Board under subclause (2) vest in the Board.

Payment of benefits

8. (1) Subject to subclause (4), any payment to be made under the Rules to, or in respect of, a member, or former member, must be made out of the Consolidated Account (which is appropriated to the necessary extent) or out of a special deposit account established by the Treasurer for that purpose.

(2) The Treasurer may reimburse the Consolidated Account or special deposit account by charging the relevant division or divisions of the Scheme in accordance with the Rules.

(3) Where a division of the Scheme is exhausted, the amount that would otherwise be charged against it under subclause (2) will be charged against the employers in proportions determined by an actuary appointed by the Board.

(4) Part of the benefits payable to, or in respect of, a member or former member who was employed by a private sector employer must be paid in accordance with the Rules from the Scheme assets.

Scheme assets

9. (1) The Scheme assets are subject to the management and control of the Board.

(2) The Scheme assets comprise—

(a) the assets comprising the ETSA Superannuation Fund at the commencement of this Deed; and

(b) contributions paid to the Scheme by the Treasurer under subclause (3); and

(c) contributions paid to the Board by private sector employers; and

(d) amounts paid to the Scheme pursuant to clause 14 of the Schedule; and

(e) interest and other income and other accretions arising from investment of the Scheme assets; and

(f) any other income or assets transferred to the Scheme as part of the Scheme assets; and

(g) such other assets as are required by the Rules to be included in the Scheme assets.

(3) The Treasurer must pay to the Scheme periodic contributions reflecting the contributions paid to the Treasurer by contributors and public sector employers with respect to the relevant period.

(4) The following amounts will be paid from the Scheme assets:

(a) any reimbursement of the Consolidated Account or a special deposit account that the Treasurer charges against the Scheme in pursuance of this Deed; and

(b) amounts paid pursuant to clause 8(4); and

(c) the costs and other expenses of administering the Scheme; and

(d) such other amounts as are provided for by the Rules.

Investment of Scheme assets

10. (1) The Board may invest money comprising the Scheme assets that is not immediately required in any manner in which it could invest that money—

(a) if acting as a trustee; or

(b) if acting on its own behalf and not as a trustee.

(2) Without limiting subclause (1), the Board may—

(a) participate in any financial arrangement (usually called a synthetic or derivative investment) for the purpose of risk management or hedging;

(b) pool Scheme assets with other persons' assets for investment purposes.

Accounts and audit

11. (1) The Board must keep proper accounts of receipts and payments in relation to the Scheme and must, in respect of each financial year, prepare financial statements in relation to the Scheme in a form approved by the Treasurer.

(2) The accounts and financial statements must distinguish between the divisions of the Scheme and the investments in which money from each of those divisions has been invested.

(3) The Auditor-General may at any time, and must at least once in each year, audit the accounts of the Scheme and the financial statements.

Insurance

12. The Board may purchase and renew insurance of any kind for the purposes of the Scheme and may pay all insurance premiums from the Scheme assets.

Exclusion of liability and indemnity

13. (1) The Board and the members and former members and the employees and former employees of the Board are not liable in relation to any act or omission in connection with the administration of the Scheme or the Scheme assets in compliance, or purported compliance, with the Schedule, this Deed or the Rules except to the extent that the person—

(a) fails to act honestly; or

(b) intentionally or recklessly fails to exercise proper care and diligence.

(2) If, despite subclause (1), a person referred to in that subclause incurs a liability which the subclause purportedly protects him or her from, the person will be indemnified in respect of that liability from the Scheme assets.

Benefits cannot be assigned

14. A right to a benefit under the Scheme cannot be assigned.

Governing law

15. This Deed is governed by the law of South Australia.

Severance of invalid provision

16. Any provision of this Deed that is—

(a) invalid in whole or in part; or

(b) required to be limited or read down in order to be valid, is severed or limited or read down to the extent of the invalidity, but the remainder of the provision continues in full force and effect.

Withdrawal of employers and winding up of the Scheme

17. (1) Subject to subclause (2), an employer may withdraw from the Scheme in accordance with the Rules.

(2) An employer who employs one or more pre-privatisation members of the Scheme in the electricity supply industry cannot withdraw from the Scheme without the consent in writing of the member or members concerned.

(3) If all the employers have withdrawn from the Scheme the Board must wind the Scheme up in accordance with the Rules.

PART 3

AMENDMENT OF SUPERANNUATION ACT 1988

Amendment of Act

3. The Superannuation Act 1988 is amended—

(a) by striking out from subsections (14), (17) and (18) of section 22 'or the ETSA superannuation scheme' wherever occurring;

(b) by striking out the definition of 'ETSA superannuation scheme' from subsection (19) of section 22;

(c) by inserting the following Schedule after Schedule 1A:

SCHEDULE 1B

Transfer of Certain Members of the Electricity Industry Superannuation Scheme to the State Scheme

PART 1

PRELIMINARY

Interpretation

1. In this Schedule, unless the contrary intention appears—

'the contributory lump sum schemes' means Divisions 2 and 4 of the Electricity Industry Superannuation Scheme providing for contributions by members and lump sum benefits for members;

'Division 4' of the Electricity Industry Superannuation Scheme means the division of the Scheme formerly known as the 'R.G. Scheme';

'the Electricity Industry pension scheme' means Division 3 of the Electricity Industry Superannuation Scheme providing for pension benefits;

'the Electricity Industry Superannuation Board' includes a subsequent trustee of the Electricity Industry Superannuation Scheme;

'the Electricity Industry Superannuation Scheme' means the ETSA Contributory and Non-Contributory Superannuation Schemes continued in existence as the Electricity Industry Superannuation Scheme by clause 3 of the Electricity Industry Superannuation Scheme Trust Deed appearing at the end of Schedule 1 of the Electricity Corporations Act 1994;

'the relevant day' means the day on which the approval of the Treasurer ceases to be required for the variation or replacement of the Rules of the Electricity Industry Superannuation Scheme;

'the State Scheme' means the scheme of superannuation established by this Act;

'Trustee' means the Electricity Industry Superannuation Board and includes subsequent trustees of the Electricity Industry Superannuation Scheme.

PART 2

TRANSFER OF MEMBERS

Transfer of existing pensioners before the relevant day

2. (1) The Treasurer may, by notice to the Electricity Industry Superannuation Board and the South Australian Superannuation Board under clause 7 before the relevant day, transfer a person who is in receipt of a pension under the Electricity Industry Superannuation Scheme from that scheme to the State Scheme.

(2) A person transferred under subclause (1)—

(a) is entitled to a pension under this Act which, at the time of transfer, is of equivalent value to the pension he or she was receiving immediately before the transfer; and

(b) except in the case of a person entitled to a derivative benefit, will be taken to be an old scheme contributor; and

(c) in the case of a person who is entitled to a derivative benefit, will be taken to derive the benefit from an old scheme contributor.

(3) If—

(a) an old scheme contributor referred to in subclause (2) dies before the expiration of three years after he or she first became entitled to a pension under the Electricity Industry Superannuation Scheme; or

(b) a person—

(i) referred to in subclause (2) who is entitled to a derivative benefit; or

(ii) who is entitled to a derivative benefit from an old scheme contributor referred to in paragraph (a),

dies before the expiration of three years after the contributor from whom the benefit was derived—

(iii) first became entitled to a pension under the Electricity Industry Superannuation Scheme; or

(iv) died while still in employment without ever becoming entitled to such a pension,

and—

(c) in the case referred to in paragraph (a), no one is entitled to a derivative benefit under this Act in respect of the contributor; or

(d) in the case referred to in paragraph (b), all derivative entitlements have ceased before the expiration of that period,

the contributor's estate is entitled to a lump sum equivalent to—

(e) where paragraph (c) applies—the aggregate of the pension payments that the contributor would have received between the date of death and the third anniversary of the commencement of the pension if he or she had survived; or

(f) where paragraph (d) applies—the aggregate of the pension payments that the contributor from whom the benefit was derived would have received between the date when the derivative entitlement, or the last of the derivative entitlements, ceased and the third anniversary of the commencement of the pension (or the date of the contributor's death) if the contributor had survived during that period,

(the lump sum will be determined on the assumption that the pension will not be adjusted under section 47 during that period).

(4) Where a person who is transferred under this clause was, immediately before the transfer, entitled to commute a part, or the whole, of his or her pension under the Electricity Industry Superannuation Scheme, he or she is entitled to commute the whole or a part of the pension in accordance with this Act within a period that terminates—

(a) when the period for commutation under the Electricity Industry Superannuation Scheme would have terminated; or

(b) at the expiration of three months after the transfer,

whichever is the later.

(5) An amount equivalent in value to that part of the Scheme assets of the Electricity Industry Superannuation Scheme that is attributable to the membership of the Scheme of a person transferred to the State Scheme under this clause, or of the contributor from whom a person transferred to the State Scheme under this clause derives benefits, (to be determined by an actuary appointed by the Treasurer) must be paid by the Trustee from the Scheme assets to the Treasurer.

(6) The Treasurer must pay into the South Australian Superannuation Fund a contribution reflecting the amount paid to the Treasurer under subclause (5).

Transfer of existing and future pensioners after the relevant day

3. (1) After the relevant day, the Treasurer may, at the request of the Trustee, enter into an agreement with the Trustee under which a person or persons referred to in subclause (2) may be transferred from the Electricity Industry Superannuation Scheme to the State Scheme.

(2) The following persons may be transferred pursuant to an agreement under subclause (1):

(a) a person who is in receipt of a pension under the Electricity Industry Superannuation Scheme;

(b) a person who is a member of the Electricity Industry pension scheme and who is presently entitled to receive, but is not yet in receipt of, a pension following the termination of his or her employment;

(c) a person who is entitled to a pension as a derivative benefit under the Electricity Industry Superannuation Scheme but who is not yet in receipt of the pension.

(3) The Treasurer may, by notice to the Electricity Industry Superannuation Board and the South Australian Superannuation Board under clause 7, transfer a person from the Electricity Industry Superannuation Scheme to the State Scheme in pursuance of an agreement referred to in subclause (1).

(4) A person transferred under subclause (3)—

(a) is, in the case of a person who was in receipt of a pension at the time of transfer, entitled to a pension under this Act which, at the time of transfer, is of equivalent value to the pension he or she was receiving immediately before the transfer; and

(b) is, in the case of a person referred to in subclause (2)(b) or (c), entitled to a pension under this Act which, at the time of transfer, is of equivalent value to the initial pension that he or she would have received if he or she had not been transferred; and

(c) except in the case of a person entitled to a derivative benefit, will be taken to be an old scheme contributor; and

(d) in the case of a person who is entitled to a derivative benefit, will be taken to derive the benefit from an old scheme contributor.

(5) If—

(a) an old scheme contributor referred to in subclause (4) who was in receipt of, or was entitled to, a pension at the time of transfer, dies before the expiration of three years after he or she first became entitled to a pension under the Electricity Industry Superannuation Scheme; or

(b) a person—

(i) referred to in subclause (4) who was in receipt of, or was entitled to, a derivative pension at the time of transfer; or

(ii) who is entitled to a derivative benefit from an old scheme contributor referred to in paragraph (a),

dies before the expiration of three years after the contributor from whom the benefit was derived—

(iii) first became entitled to a pension under the Electricity Industry Superannuation Scheme; or

(iv) died while still in employment without ever becoming entitled to such a pension,

and—

(c) in the case referred to in paragraph (a), no one is entitled to a derivative benefit under this Act in respect of the contributor; or

(d) in a case referred to in paragraph (b), all derivative entitlements have ceased before the expiration of that period,

the contributor's estate is entitled to a lump sum equivalent to—

(e) where paragraph (c) applies—the aggregate of the pension payments that the contributor would have received between the date of death and the third anniversary of the commencement of the pension if he or she had survived; or

(f) where paragraph (d) applies—the aggregate of the pension payments that the contributor from whom the benefit was derived would have received between the date when the derivative entitlement, or the last of the deriva-

tive entitlements, ceased and the third anniversary of the commencement of the pension (or the date of the contributor's death) if the contributor had survived during that period,

(the lump sum will be determined on the assumption that the pension will not be adjusted under section 47 during that period).

(6) Where a person who is transferred under this clause was, immediately before the transfer, entitled to commute a part, or the whole, of his or her pension under the Electricity Industry Superannuation Scheme, he or she is entitled to commute the whole or a part of the pension in accordance with this Act within a period that terminates—

(a) when the period for commutation under the Electricity Industry Superannuation Scheme would have terminated; or

(b) at the expiration of three months after the transfer,

whichever is the later.

(7) An amount equivalent in value to that part of the Scheme assets of the Electricity Industry Superannuation Scheme that is attributable to the contributions (and the interest and other income and other accretions arising from investment of those contributions) to the Scheme of a person transferred to the State Scheme under this clause who was in receipt of, or entitled to, a pension at the time of transfer, or of the contributor from whom a person transferred to the State Scheme under this clause derives benefits, (to be determined by an actuary appointed by the Treasurer) must be paid by the Trustee from the Scheme assets to the Treasurer.

(8) The Treasurer must pay into the South Australian Superannuation Fund a contribution reflecting the amount paid to the Treasurer under subclause (7).

(9) An amount equivalent in value to the aggregate value of the employer components of benefits payable under this Act to, or in respect of, persons transferred under this clause (to be determined by an actuary appointed by the Treasurer) must be paid by the Trustee from the Scheme assets of the Electricity Industry Superannuation Scheme to the Treasurer.

Transfer of persons entitled to preserved benefits

4. (1) The Treasurer may, by notice to the Electricity Industry Superannuation Board and the South Australian Superannuation Board under clause 7 before the relevant day, transfer a person referred to in subclause (2) from the Electricity Industry Superannuation Scheme to the State Scheme.

(2) A person who—

(a) is a member of the Electricity Industry pension scheme or either of the contributory lump sum schemes; and

(b) is entitled to preserved benefits in the relevant scheme; and

(c) is not accruing benefits under any other division of the Electricity Industry Superannuation Scheme,

may be transferred under this clause.

(3) After the transfer—

(a) a person who had been a member of the Electricity Industry pension scheme will be taken to be an old scheme contributor under this Act; and

(b) a person who had been a member of either of the contributory lump sum schemes will be taken to be a new scheme contributor under this Act.

(4) The South Australian Superannuation Board must open a contribution account in the name of each person transferred under this clause and must credit to the account an amount equivalent to the amount standing to the credit of the person's contribution account in the Electricity Industry Superannuation Scheme immediately before the transfer.

(5) An amount equivalent to the aggregate of the amounts credited to contribution accounts under subclause (4) must be paid by the Trustee from the Scheme assets of the Electricity Industry Superannuation Scheme to the Treasurer.

(6) The Treasurer must pay into the South Australian Superannuation Fund a contribution reflecting the amount paid to the Treasurer under subclause (5).

(7) The Minister must attribute to each person transferred under this clause a number of contribution points that is sufficient to provide the person with an accrued entitlement under this Act at the time of transfer that is equivalent to his or her accrued entitlement under the Electricity Industry Superannuation Scheme immediately before the transfer.

Transfer of certain other persons

5. (1) The Treasurer may, with the consent of the person, by notice to the Electricity Industry Superannuation Board and the South Australian Superannuation Board under clause 7, transfer a person who is a member of the Electricity Industry Superannuation Scheme and who also falls within the definition of 'employee' in section 4 from that scheme to the State Scheme.

(2) After the transfer—

(a) a person who had been a member of the Electricity Industry pension scheme will be taken to be an old scheme contributor under this Act; and

(b) a person who had been a member of either of the contributory lump sum schemes will be taken to be a new scheme contributor under this Act.

(3) The South Australian Superannuation Board must open a contribution account in the name of each person transferred under this clause and must credit to the account an amount equivalent to the amount standing to the credit of the person's contribution account in the Electricity Industry Superannuation Scheme immediately before the transfer.

(4) An amount equivalent to the aggregate of the amounts credited to contribution accounts under subclause (3) must be paid by the Trustee from the Scheme assets of the Electricity Industry Superannuation Scheme to the Treasurer.

(5) The Treasurer must pay into the South Australian Superannuation Fund a contribution reflecting the amount paid to the Treasurer under subclause (4).

(6) An amount equivalent in value to the aggregate value of the employer components of those parts of benefits payable under this Act to, or in respect of, persons transferred under this clause that are attributable to contributors' employment up to the time of transfer (to be determined by an actuary appointed by the Treasurer) must be paid by the Trustee from the Scheme assets of the Electricity Industry Superannuation Scheme to the Treasurer.

(7) The Minister must attribute to each person transferred under this clause (other than a person who was immediately before the transfer a member of Division 4 of the Electricity Industry Superannuation Scheme) a number of contribution points that is sufficient—

(a) to provide the person with an accrued entitlement under this Act at the time of transfer that is not less than his or her accrued entitlement under the Electricity Industry Superannuation Scheme immediately before the transfer; and

(b) in the case of a person who was entitled to defined benefits under the Electricity Industry Superannuation Scheme, to ensure that the level of benefits on retirement at age 60 that the person was to be entitled to under that Scheme are maintained.

(8) The Treasurer must pay into the South Australian Superannuation Fund a contribution reflecting the amount paid to the Treasurer under subclause (6) in respect of persons who were immediately before the transfer members of Division 4 of the Electricity Industry Superannuation Scheme, and the South Australian Superannuation Board must open an account under section 47B in the name of each person transferred from Division 4 and credit to each account that part of the contribution paid by the Treasurer that is attributable to the person in whose name the account has been opened.

(9) In the application of Part 4 in relation to a person transferred under this clause who was, immediately before the transfer, a member of Division 4 of the Electricity Industry Superannuation Scheme—

(a) the number '4.5' wherever appearing in a formula in that Part will be changed to '4.9'; and

(b) the number '3.86' wherever appearing in such a formula will be changed to '4.2'; and

(c) the number '420' wherever appearing in such a formula will be changed to '360'.

(10) Subject to an election under subclause (11), a person transferred under this clause is required to contribute at the rate of 6 per cent of salary until he or she makes an election under section 23 to contribute at some other rate.

(11) A person may, within 14 days after service of a notice under clause 7(3), elect, in a manner approved by the Board, to contribute at any of the rates set out in section 23.

(12) The Board may, in a particular case, extend the period of 14 days referred to in subclause (11).

PART 3
GENERAL

Employer contributions

6. (1) Money standing to the credit of the fund or funds referred to in clause 18A of Schedule 1 of the Electricity Corporations Act 1994 (before its repeal by the Electricity Corporations (Restructuring and Disposal) Act 1998) must be paid to the Treasurer.

(2) The employer of a person who has been transferred to the State Scheme under clause 5 will be taken to have entered into an arrangement with the Board under section 5.

(3) The terms of the arrangement will be determined by the Treasurer after consultation with the employer.

Notices

7. (1) The Treasurer may serve notice on the Electricity Industry Superannuation Board and the South Australian Superannuation Board transferring a member or members of the Electricity Industry Superannuation Scheme to the State Scheme under this Schedule.

(2) The notice must—

(a) be in writing; and

(b) identify the member or members to whom it applies; and

(c) identify the clause of this Schedule in relation to which it will operate.

(3) On receipt of a notice under subclause (1), the Electricity Industry Superannuation Board must give notice to each member transferred advising him or her of the transfer.

Cessation of entitlements under the Electricity Industry Superannuation Scheme

8. On the transfer of a person to the State Scheme under this Schedule, his or her entitlements under the Electricity Industry Superannuation Scheme cease.

Power to obtain information

9. (1) The South Australian Superannuation Board may, from time to time, require the Electricity Industry Superannuation Board to provide it with information in its possession relating to persons transferred to the State Scheme under this Schedule.

(2) Despite any other Act or law to the contrary, the Electricity Industry Superannuation Board must comply with a requirement under subclause (1).

Transfer effective despite Electricity Corporations Act 1994

10. Transfers under this Schedule have effect despite provisions of Schedule 1 of the Electricity Corporations Act 1994 as to membership of the Electricity Industry Superannuation Scheme.

Regulations may be made for transitional purposes

11. (1) The Governor may, by regulation, make provisions of a transitional nature in relation to the transfer of persons under this Schedule to the State Scheme.

(2) A regulation made under this clause may—

(a) modify the provisions of this Act in their application to a person transferred under this Schedule;

(b) operate prospectively or retrospectively from a date specified in the regulation.

PART 4
AMENDMENT OF SCHEDULE 1 OF THE ELECTRICITY CORPORATIONS ACT 1994

Amendment of Schedule

4. Schedule 1 of the Electricity Corporations Act 1994 as substituted by Part 2 of this Schedule is amended—

(a) by striking out the definition of 'actuary' from clause 1;

(b) by striking out the definition of 'the Trust Deed' from clause 1 and substituting the following definition:
'the Trust Deed' means the Electricity Industry Superannuation Scheme Trust Deed;;

(c) by striking out 'three' from paragraph (b) of subclause (1) of clause 4 and substituting 'four';

(d) by striking out paragraph (c) of subclause (1) of clause 4;

(e) by striking out 'Treasurer' from paragraph (d) of subclause (5) of clause 4 and substituting 'Board';

(f) by striking out subparagraphs (ii) and (iii) of paragraph (d) of subclause (5) of clause 4;

(g) by striking out clause 6 and substituting the following clause:
Ownership of Scheme assets
6. (1) The Scheme assets are vested in the Board and if the Board ceases to be the trustee of the Scheme, the Scheme assets are vested in the trustee for the time being of the Scheme.
(2) No stamp duty, financial institutions duty or debits tax is payable under the law of the State in respect of the vesting of Scheme assets in the Board or any other trustee of the Scheme by subclause (1).
(3) No person has an obligation under the Stamp Duties Act 1923, the Financial Institutions Duty Act 1983 or the Debits Tax Act 1990—
(a) to lodge a statement or return relating to a matter referred to in subclause (2); or
(b) to include in a statement or return a record or information relating to such a matter.;

(h) by striking out Part D;

(i) by striking out clause 9 and substituting the following clause:
Exclusion of s. 35B of Trustee Act 1936
9. Section 35B of the Trustee Act 1936 does not apply to, or in relation to, the Scheme.;

(j) by renumbering the clauses of the Trust Deed in numerical order following the amendments to be made by the following paragraphs of this clause and by making consequential changes to cross references;
Note: New clauses inserted by subsequent paragraphs of this clause are given the number they will have after the renumbering.;

(k) by striking out clause 1 of the Trust Deed and substituting the following clause:
Operation of Deed
1. This Deed came into operation at the same time as Schedule 1 of the Electricity Corporations Act 1994 as substituted by the Electricity Corporations (Restructuring and Disposal) Act 1998.;

(l) by inserting the following definition after the definition of 'commencement of this Deed' in subclause (1) of clause 2 of the Trust Deed:
'electricity corporation' has the same meaning as in the Electricity Corporations Act 1994;;

(m) by inserting the following definition after the definition of 'public sector employer' in subclause (1) of clause 2 of the Trust Deed:
'relevant law' means the law for the time being set out in—
(a) the Superannuation Industry (Supervision) Act 1993 of the Commonwealth; and
(b) the Income Tax Assessment Act 1936 of the Commonwealth; and
(c) the Superannuation (Resolution of Complaints) Act 1993 of the Commonwealth; and
(d) such other Act, regulation, rule or other legislative instrument as the Trustee determines should be included in this definition;;

(n) by striking out the definition of 'special deposit account' from subclause (1) of clause 2 of the Trust Deed;

(o) by inserting the following definition after the definition of 'State-owned company' in subclause (1) of clause 2 of the Trust Deed:
'Trustee' means the Board or any body for the time being appointed to the office of trustee of the Scheme;;

(p) by inserting after subclause (1) of clause 2 of the Trust Deed the following subclause:
(1a) A term defined in the relevant law has the same meaning in this Deed.;

(q) by striking out 'The Board' from subclause (4) of clause 3 of the Trust Deed and substituting 'The Trustee';

(r) by inserting the following clause after clause 3 of the Trust Deed:
Amendment of Deed
4. (1) Subject to the relevant law, the Trustee may, by instrument in writing, amend or replace this Deed.
(2) Where the amendment or replacement of this Deed would result in an increase in the

contribution to be made by an employer or increase the liability of the employer under the Scheme in any other way, the Deed cannot be amended or replaced without the approval of the employer.

(3) An amendment or replacement of this Deed will be taken to come into operation on the date specified in the instrument amending or replacing the Deed whether being a date before or after the date on which the instrument was made.;

(s) by striking out subclause (1) of clause 4 of the Trust Deed and substituting the following subclause:

(1) Subject to the relevant law, the Trustee may, by instrument in writing, vary or replace the Rules.;

(t) by striking out 'or the date on which the Treasurer gave his or her approval' from subclause (5) of clause 4 of the Trust Deed;

(u) by striking out 'Subject to subclause (3) ' from subclause (1) of clause 5 of the Trust Deed and substituting 'Subject to the relevant law and to subclause (3) ';

(v) by striking out 'Board' from subclauses (2) and (3) of clause 5 of the Trust Deed and substituting, in each case, 'Trustee';

(w) by striking out clauses 7, 8 and 9 of the Trust Deed and substituting the following clauses:

Payment of benefits

8. Benefits are payable from the Scheme assets in accordance with the Rules.

Scheme assets

9. (1) The Scheme assets are subject to the management and control of the Trustee.

(2) The Scheme assets comprise—

(a) contributions made by the contributors and the employers to the Scheme pursuant to the Rules; and

(b) interest and other income and other accretions arising from investment of the Scheme assets; and

(c) amounts paid to the Scheme pursuant to clause 14 of the Schedule; and

(d) any other income or assets transferred to the Scheme as part of the Scheme assets; and

(e) such other assets as are required by the Rules to be included in the Scheme assets.

(3) The following amounts will be paid from the Scheme assets:

(a) benefits that are payable to, or in respect of, members or former members pursuant to the Rules; and

(b) the costs and other expenses of administering the Scheme; and

(c) such other amounts as are provided for by the Rules.;

(x) by striking out 'Board' wherever occurring in subclauses (1) and (2) of clause 10 of the Trust Deed and substituting, in each case, 'Trustee';

(y) by inserting the following clauses after clause 10 of the Trust Deed:

Application of Superannuation Industry (Supervision) Act 1993

11. (1) The Trustee must give notice to the Australian Prudential Regulation Authority electing that the Superannuation Industry (Supervision) Act 1993 of the Commonwealth is to apply to the Scheme.

(2) The Trustee must, after the election referred to in subclause (1), comply with all relevant provisions of the relevant law unless exempted from compliance with a specified provision or provisions by the authority administering the law concerned.

Application of relevant law in certain circumstances

12. (1) A person who has a discretion under this Deed or the Rules must not exercise that discretion without the consent of the Trustee if the relevant law so requires.

(2) A person must not give a direction to the Trustee pursuant to this Deed or the Rules in contravention of the relevant law.

(3) A covenant that is required by the relevant law to be included in this Deed will be taken to be included and will be binding on the Trustee and each member, or each member of the governing body, of the Trustee.

Resolution of inconsistency

13. A provision of clause 11 or 12 that is inconsistent with any other provision of this Deed or the Rules will prevail to the extent of the inconsistency.

Term of office of Trustee

14. (1) The Trustee, holds office until—

(a) it retires from office by written notice to the employers; or

(b) a person is appointed as a receiver, receiver and manager or liquidator of the Trustee or a court approves a scheme of management providing for its dissolution; or

(c) it is disqualified from holding office as Trustee of the Scheme.

(2) Subclause (1) does not apply to the Board.

Appointment of new Trustee

15. (1) When the office of Trustee becomes vacant the employers must, by a majority decision, appoint another Trustee.

(2) Only a body that is a constitutional corporation for the purposes of section 19 of the Superannuation Industry (Supervision) Act 1993 of the Commonwealth may be appointed as Trustee of the Scheme.

(3) An act of the Trustee is not invalid by reason only of a defect in its appointment.

Powers of Trustee

16. (1) The Trustee may delegate any of its functions, powers or duties under this Deed or the Rules to any person.

(2) The delegation—

(a) must be by instrument in writing;

(b) may be absolute or conditional;

(c) does not derogate from the power of the Trustee to act in any matter;

(d) is revocable at will by the Trustee.

(3) The Trustee has all other powers that are necessary or desirable for the proper administration of the Scheme in accordance with the relevant law.

Conflict of interest

17. A member, or a member of the governing body, of the Trustee will not be taken to have a conflict of interest in relation to any matter being considered by the Trustee by reason only of the fact that he or she is entitled, or potentially entitled, to benefits under the Scheme.;

(z) by striking out clause 11 of the Trust Deed and substituting the following clause:

Accounts

18. (1) The Trustee must keep proper accounts of receipts and payments in relation to the Scheme and must, in respect of each financial year, prepare financial statements in relation to the Scheme.

(2) The Trustee must, in accordance with the relevant law, appoint an auditor to audit the accounts and financial statements of the Scheme in accordance with that law.

(3) The Trustee must, in accordance with the relevant law, appoint an actuary to prepare reports in relation to the Scheme in accordance with that law.;

(za) by striking out 'The Board' from clause 12 of the Trust Deed and substituting 'The Trustee';

(zb) by striking out 'The Board and the members and former members and the employees and former employees of the Board' from subclause (1) of clause 13 of the Trust Deed and substituting 'The

Trustee and the members and former members, or members or former members of the governing body, of the Trustee and employees and former employees of the Trustee';

(zc) by inserting in clause 13 of the Trust Deed after paragraph (b) of subclause (1) of that clause ', or the exclusion of liability is prohibited by the relevant law. ';

(zd) by striking out 'Board' from subclause (3) of clause 17 of the Trust Deed and substituting 'Trustee'.

Consideration in Committee.

Amendments Nos 1 to 30:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendments Nos 1 to 30 be agreed to.

The Hon. M.D. RANN: I rise to oppose the first 30 amendments of this Bill, because we are opposing the Bill itself. Labor does not support any lease or sale of ETSA, and that is why we are voting in this Parliament against any long-term lease, short-term lease or sale. I want to talk about some of the events of the past week. I want to do so without resorting in any way to personal abuse, because I do not think that would particularly help the situation, and also I am sure others tonight will come in behind. First, let us just briefly trace back the deceit and dishonesty of what has occurred in the past week and, indeed, since 1997. In October 1996, at our policy convention, the Australian Labor Party unanimously reached agreement to oppose the privatisation of ETSA. It was unanimously approved in our convention, in our councils, in our shadow Cabinets and in our Caucus meetings. During 1997, we campaigned against the water leasing deal, which had proven to be a fraud because we and the Parliament had been told it was in the contract that we would have cheaper water, Australian ownership and 1 100 new jobs. It occupied front pages of the *Advertiser*, with special features about what a great triumph this would be for the Government and the people of industry in this State. In 1997, following the leaking of hundreds of pages of documents about that water contract, we proved the absolute lie that had been told the Parliament about what was in the contract.

We had proven in fact that a shabby deal had been done and that the Parliament and the public had been misled. Later during 1997, the Opposition was given documents, in part, from Crown Law which showed that the Government was planning immediately after the State election to privatise ETSA. We raised those concerns in the Parliament, and we raised those concerns publicly. Of course, it followed the desegregation of ETSA into business units. We were told by the Premier and by his then Minister (the member for Bragg) that this was a total lie on behalf of the Labor Party, that there was absolutely no plan to privatise ETSA, that the documents had been fabricated and misunderstood or misrepresented. Then we saw the Stephen Baker budget of 1997. At the time of course it was a triumph. I remember the editorials and so on about how we were tingling with excitement about this marvellous turnaround. We had a budget that was in the black, a budget in surplus, that we had broken the back of the debt from the State Bank, that debt reduction was proceeding apace and ahead of schedule, that there was no need whatever to increase the quantum of State taxation after the election, no increase in State taxes and that ETSA did not need to be sold.

Indeed, the Premier and the Minister, now the member for Bragg, said that they would never sell ETSA because it was an income earning asset for the State, that they would never sell ETSA. We persisted right through the election campaign. There were more documents and more disclosures and there was the famous press conference with the member for Bragg saying, 'No sale of ETSA, full stop, full stop, full stop.' Then, after the election, after losing 13 seats mainly on the back of the water privatisation deal, the leasing privatisation deal which was extremely unpopular with the electorate when people saw how they had been deceived, we saw the second wave of deceit. We saw a Government come out in February last year and say it was compelled to sell ETSA because it had received reports it had not seen before the election, that it was not aware of the work that had been going on which showed that, because of the national electricity market, somehow we had to sell our electricity utilities in order to break the back of debt and avoid risks in the future.

Of course, we were told various reports had forced the Premier so reluctantly and heroically to come to grips with breaking his fundamental election promise. Funnily enough the Premier would not release those reports to either the Parliament or to the Opposition, even on an off-the-record basis. He wanted to break his own promise and expected us to join him with the support of the *Advertiser* and others. He was not prepared to hand over the documents so that we could see that compelling evidence. Either the compelling evidence did not exist or the compelling evidence had been prepared long before the election, which showed that, in fact, the people of this State had been lied to—and deliberately lied to—or it was a combination of those things. Then we were told that it was all about debt; that, somehow, it would get the debt monkey off our back, even though ETSA had provided $1.3 billion in income over the previous three or four years. But it was all about debt. Then, of course, we saw the Bill submitted to Parliament, and we saw Terry Cameron cross the floor—and I want to talk a bit about Terry Cameron tonight.

Terry Cameron did not surprise any of us with his betrayal; he did not surprise any of us with his behaviour or with his morality—having been put into the Legislative Council by the Labor Party and provided with an income and superannuation. He did not surprise me at all. He had been dumped from the shadow ministry, because Terry Cameron was given the task of taking on Diana Laidlaw in the Upper House. He could not land a glove on her. She outfoxed him and outboxed him all along the way.

The CHAIRMAN: Order! I remind the Leader that it is inappropriate to reflect on a member from another place.

The Hon. M.D. RANN: Inappropriate, but entirely accurate. So, we saw Terry Cameron, we heard the voice on the radio (let alone the Grecian 2000 new hair colouring), we heard him say with all sincerity that he had to do it for the good of the State. Then, of course, we saw the moves by the Hon. Mr Xenophon to try to protect the morality of the case by saying that, while he supported the sale of ETSA, he believed that members of the public should have a say over their assets. Mr Xenophon has acted honourably all the way along the line, unlike Mr Cameron.

Let me put a few things into perspective. We were also told at that stage, later in the year, when things did not go quite as well as Mr Cameron had expected in his dealings with the Liberal Party—where he seems to be much more comfortable than he was in the Labor Party—that, in fact, there was a rumour around that Mr Crothers, a close friend of Mr Cameron's, would follow suit. I had a discussion with Mr Crothers about this, and Mr Crothers said that that was totally untrue, that he would never betray the Labor Party, that he would never betray his pledge to the Labor Party and

that he would never betray the Labor Party Caucus and conventions and State Council decisions. Indeed, neither Mr Cameron nor Mr Crothers ever spoke in favour of the privatisation of electricity in any forum of the Labor Party.

Those of us in the Labor Party, let alone those of us with any sense of decency or honour, know this: if you disagree with a policy, you try to change it. You go into the forums and you argue your case with passion and integrity. You do not sit on the outside and then cross the floor and do shabby deals with the other side. That is not the honourable thing to do; that is not the Labor tradition—and here were two gentlemen who had spoken a lot about Labor traditions and union solidarity.

This year, in March, again there was a rumour around that Mr Crothers would cross the floor. In fact, he came into my office and said that I might hear this rumour, I might hear this story, which was being perpetuated for a variety of reasons, 'But have no fear' (and I will not do the accent that goes with it), there was no way that he would betray the Caucus, no way that he would betray the Labor Party and, indeed, he strongly supported the position that we had taken. Then, in recent weeks, when we have been given assurances about 'My word is my bond; mark my word, Leader,' we have seen exactly how strong that word and bond is. The test is how you vote and what you do with it, not the words that are said. The test is: when you are put to the test, do you blink, do you buckle under pressure, or do you cross the floor without raising it with your colleagues, without arguing your case or without trying to go through the forums of the Party?

I have been criticised because last week I said I thought that Mr Crothers, like Mr Cameron, should have done the honourable thing and resigned from Parliament. I drew the analogy of Cheryl Kernot, who was in a very safe position in the Australian Senate. She joined the Labor Party, having quit the leadership of the Australian Democrats. And she immediately resigned her position in the Australian Senate and then ran for a marginal seat in Queensland. She put herself at risk. She did the honourable thing because she knew that she had been elected and was being paid on the back of pledges to the people to serve the interests of the people by being a member of the Australian Democrats.

The analogy that I also drew was that of Mal Colston. Mal Colston, unlike Cheryl Kernot, did not do the honourable thing. There are plenty of other things that he has done that were not honourable, either, but he did not resign his seat. In fact, he was given extra benefits for betraying his Party and he stayed on in the Parliament. I know that I have been criticised for making the analogy between Colston, Cameron and Crothers, but I do have some supporting evidence. I have a letter from the Australian Senate dated 6 June 1999 and marked 'Private and confidential'. It states:

> To the Hon. M. Rann
>
> Re: Your less than intellectually rigorous comments regarding Senator Colston.

It is on the letterhead of Senator Mal Colston, Senator for Queensland, and signed by a Douglas Colston, who, I can only presume, is the Chief of Staff to Senator Colston. I am sure there is no nepotism at all; I am sure he is there on his ability. He has written to me and the Labor Party supporting Messrs Crothers and Cameron, who, he says, along with Senator Colston, recognised that the ALP they had supported for their entire lives was no longer serving the interests of either the general population or its own members. Then he goes on to give everyone a spray. He then says:

> As with Senator Colston, I am sure Messrs Crothers and Cameron have the good grace to acknowledge the rules of the ALP in resigning following their morally upright decisions.

When you are told by the Colstons that you are morally upright, you know exactly to what category of history you will be consigned. Here is the proof: the Colstons have embraced Cameron and Crothers.

I just want to say this. Don Dunstan, who died in February this year, presented an extremely cogent case right up until the day that he died against the selling of ETSA. We have had some great leaders in this State. I refer to a great Liberal leader such as Tom Playford, who built ETSA and put it together because it was in the long-term and strategic interests of the State to have control over our electricity future, not hand it over to others who had a responsibility to make profits. And Dunstan likewise.

I am so pleased that Don Dunstan did not see a Labor person (or a so-called Labor Party person) betraying the ideals and policies of the Labor Party in such an appalling way. Just as I am really so pleased that others who have fought for the great causes of the Labor movement (real Labor, old Labor; people such as Don Cameron) did not see this infamy.

In the Upper House the other day we heard the Hon. Ron Roberts say that an emissary from the Premier had come to see him the day before a vote back in March. The honourable member was taken into the President's office and was offered this: 'Tell us exactly what you want—anything—in order to secure your vote and to secure the betrayal of your Party in exchange for supporting the sale of ETSA.' If it was in New South Wales there would be a corruption inquiry into that type of inducement. Remember the Terry Metherill case and the impact on Mr Greiner.

I would like to know from the Premier (who is not even in the Chamber tonight): was this person acting as an emissary from the Premier; did he in fact, with his permission, offer Mr Roberts anything he wanted; and what exactly did he mean by that? I am sure we would like to know, and the Parliament and the people deserve to know what sort of inducements were offered, and whether resources, staff or anything else were offered.

Today we have seen that the Olsen Government has been rewarded for its deceit and dishonesty. It will be rewarded for having made no case whatsoever for the sale of South Australia's most valuable income earning asset to foreigners, despite having all the resources of Government and the taxpayer to do so. This Government did not have the guts to put this to the people. It did not have the guts to put it to the people before the last State election and, despite the editorial support of the *Advertiser* and the *Sunday Mail* and a few others around town, it did not have the guts to put it to a referendum.

If members opposite were fair dinkum and had the courage of their convictions and if their arguments were so compelling, why would they not put it to the test with the people who own the assets—the people of South Australia, who voted unanimously? At the last election, 100 per cent of South Australians voted for Parties who were committed to opposing the sale of ETSA. Of course, this Government would not put it to the people or test it with a referendum. This Premier would not even debate me on a radio program or on television in case it all went wrong for him again, as it did during the last State election campaign.

Today the Olsen Government will be allowed, despite our opposition, to sell off South Australia's future. But today is

also the day that John Olsen, a Premier with no policies—a Premier whose entire political life has been based on blaming others, Dean Brown, the Wets in his own Party, being let down by Dale or Ingo, previous Governments that lost office years ago, the Opposition or minor Parties, and who always finds other people to blame—has now run out of excuses. You could see the grave concern on his face and on the faces of his advisers in the other place last Thursday.

For the first time they had to look to the future rather than the past, even though they have had their way on ETSA with Trevor Crothers' defection. They have now seen the future, and it scares them—all the promises they made, including a TAFE college a week, new schools, hundreds more teachers. They made billions of dollars worth of promises to the people after the election, if only they could get the rotten Labor Party and others to support their case. That is the line that has been sent out, and the more they have pushed that line, just as the more they pushed their line with the help of the consultants and advisers over the water deal, the worse it has become in terms of public opinion, because the public do not trust this Government or this Premier.

The Labor Opposition wants to keep ETSA in South Australian hands; we have said that repeatedly. We voted at the third reading in the Upper House against the privatisation, the sale, the long-term and the short-term lease. We have voted to keep the farm and hand it on to the next generation. That is our promise to South Australians which we have kept since before the last election and which we will keep today, when again we vote against the privatisation of ETSA.

But we know that the Government can rely on the votes of sufficient Independents to have its way. This Opposition is looking to the future rather than to the past, and we will hold John Olsen and his Ministers accountable for every untruth told and every promise made about the privatisation of ETSA. We have a list in my office that amounts to billions and billions of dollars of promises in individual electorates: in terms of the public sector, health, education, further education, totally getting rid of payroll tax, 27 000 admissions per day or week in hospitals, and so on. Let us look at the lie of the 25 year lease.

The ACTING DEPUTY CHAIRMAN: Order! I ask the Minister and the member for MacKillop to take their seat.

The Hon. M.D. RANN: We saw the front page of the *Advertiser* a week ago, and there was a picture of the Hon. Trevor Crothers sitting down with Rob Lucas. They had signed the deal: it was all in writing. I spoke to Mr Crothers after he had informed the Caucus that he was considering crossing the floor—had not made up his mind, wanted to listen to the arguments, except that he would not meet with the unions. This is the union man who would not meet with the unions at all to discuss how the best deal could be given to workers; would not listen to the Labor Party; would not listen to the opponents of the sale; but wanted to listen to all the arguments and told me that he could trust Robbie. He told me that Robbie was an honest man and that you could look Robbie in the eye and he would tell you the truth. He even praised the integrity of the Premier.

On the front page is the picture of the Hon. Rob Lucas signing the deal with the Hon. Trevor Crothers. It was in writing: it was inalienable; it had been stitched up. He had done totally the best deal for the unions, better than the unions could do—except that he was told that a much better deal had already been negotiated by the unions. Anyway, there was the front page, this act of history. Well, tonight we will find out whether that piece of paper was worth reading, let alone signing. We will see just how truthful Robbie was; just how much integrity Robbie has; just how much a done deal it was between Trevor and Robbie that night.

My view is that Mr Crothers—tonight, tomorrow, in the short term, in the medium term and in the long term—will find out that he has been totally stitched up by a Government that is laughing about him behind his back. Trevor is worried about his place in history. I can refer him back to 1938 and 1939 and someone else who wanted to make a name for himself in history, who also went and signed a piece of paper with the dishonourable and came back and said, 'I have this piece of paper to show how brilliantly I have negotiated.' Trevor Crothers will go down as the Neville Chamberlain of this Party and this Parliament. The fact is that the piece of paper is not worth the signatures. It will be dishonoured from tonight.

Trevor Crothers' assurances and promises from his friend Mr Lucas will prove totally, absolutely worthless. The Olsen Liberals have told us that they have the right policy for South Australia. It is to sell ETSA. And it is their only policy. But they have even run away from that. The Bill before the House is for a lease of almost 100 years. Everyone knows that such a lease is exactly the same as a sale. In fact, a 40 year lease, according to merchant bankers, according to the market, is the equivalent of an outright sale: there is about $1 difference in it. A lease is a sale: a sale is a lease. We saw from the water deal how that was done to benefit overseas shareholders, not South Australians.

But, so lacking in integrity is this Government, so lacking in conviction that this policy it is imposing on South Australians is really the right policy, so little does the Olsen Liberal Government want to own the policy, it is now trying to outsource its responsibilities as a Government to the next Parliament that it knows cannot even then bind future Parliaments. That is why this Arthur Daly clause must be opposed. What they have done, essentially, is make a 97 year lease with a booby trap in it: not a booby trap in two years' time to allow a Government or a Parliament to overturn things. No, that would have to wait until 2025 or 2026; but in the process it would wreck the economy and the finances of the State. It was a con: it was a Geoff Anderson, Terry Cameron, long lunch, lots of red type of penalty clause put in because the Government wants to be kind of half pregnant.

The fact is that what we are voting for today is whether or not we support the privatisation of ETSA, whether by sale or lease, long term or short term. That is what it is all about—a clean vote, something from which the Government hoped to escape. It has its dodgy deals with dodgy people in other places, but the fact is that, ultimately, this is the time to decide. Do we want our electricity assets in public hands or do we want them in private hands, overseas, run for profit for people elsewhere?

The Premier does not want the responsibility for the policy he claims is so good for South Australia. He has placed in the Bill a gimmick that would pretend to give responsibility to the next Parliament for deciding in a couple of years' time whether to extend the lease beyond 2025—not in any way to nobble the contract as it is, let alone repeal it. It is today's vote that will either save or lose ETSA. The Premier cannot blame a future Parliament of Government or Government for the loss of ETSA. He is selling ETSA today and he knows it. We are not going to fall into his black hole, his confidence trick, because he has to wear the responsibility for his deceit and dishonesty before the last election, his deceit and dishonesty since. We were told all of last year that it was

going to be about paying off the debt. Not 1¢, we were told, would go into slush funds; not 1¢ would go into recurrent expenditure or capital works: it was all about paying off the debt. Then he changed, because he was not getting it through, and he announced a jubilee for everyone; everyone got a prize, sale of the century, where there was never a loser.

Then, of course, that did not work because people laughed at it, as they did in New South Wales when Kerry Chikarovski put it to the people. So, then we got the big ETSA tax threat, the Olsen levy. We are still going to get the emergency services tax and there will be a few backbenchers opposite who will be screaming to the Premier soon. But the fact is that John Olsen, the Liberals and the Independents cannot outsource their consciences to a future Parliament.

Let it be understood that the clauses that we will be debating later are a fraud and Labor will again vote against the privatisation of ETSA, just as we will when we consider these 30 amendments shortly. We will vote against the 25 year lease of ETSA and we will vote against the 97 year lease of ETSA—as we did in the Upper House today during the third reading. A vote for any lease of ETSA is a vote for the privatisation of ETSA full stop.

The Hon. Trevor Crothers in another place has stated that there is a limited window of opportunity to lease our electricity system because New South Wales is going to sell its power assets. He argues that we have to get to market before them. Of course, this is just repeating the argument that South Australia's Premier was mounting before the New South Wales State election on 25 March this year.

That election campaign featured a Liberal Opposition promising to privatise power and a Labor Government promising to keep it in public hands. The New South Wales Liberals promised to eliminate debt, to spend billions of dollars on schools and hospitals and to give every home $1 000 or even more in shares. It sounds familiar. They promised an even bigger magic pudding than the Olsen Government has over the ETSA sale, yet the people rejected the New South Wales Liberals in a Labor landslide, and that is why John Olsen does not have the courage to put this to the people. Some of the commentators say that we all aspire to be like Trevor Crothers, talking about his courage.

Mr Conlon: I keep my word.

The Hon. M.D. RANN: A man who says he keeps his word. They want us to say that he is a man of courage, a man of vision. He had so much courage that he did not argue the case in any forums of the Party that put him there and looked after him during good times and bad times. Sometimes it takes courage, a lot more courage, to honour your promise, honour your policies, stick to the promises you made to the people on election and, despite being whacked around the head by the allies of the Liberals in the newspapers, you keep your word, honour your word and stick to your promises. It is very easy to walk 14 steps across the floor when you have never once put up the case or tried to change an opinion, particularly when you said and avowed that you had the same opinion.

Labor in New South Wales will not privatise power in that State, just as the newly elected Queensland Labor Government will not and just as the newly elected Tasmanian Labor Government will not. The New South Wales Labor Government cannot sell the electricity system because the New South Wales Liberal Opposition has promised it will block any sale in the Upper House. It will block any sale because it says that Labor has no mandate to sell. In February this year, the New South Wales Coalition spokesman on energy, Ron Phillips, told the media that, if Bob Carr tried to sell off their power after the March election, the Coalition would be 'morally justified to vote to stop it because he won't have a mandate'. He went on to say:

> That's what democracy is all about. The Upper House can't deny the will of the people.

Here in South Australia, the people's verdict has been usurped and the mandate has been flouted by the Liberals. The New South Wales example is a good one to reflect on for another reason because, in New South Wales, there was a group of people in the Labor Party who had a view that electricity privatisation would be a good thing. The Premier lectured us in Parliament at length about these moves in New South Wales; at least he did so before the New South Wales State election put a concrete lid on it.

What the Labor supporters of electricity privatisation did in New South Wales was the opposite to Cameron and Crothers. They made their views known publicly. They made their views known long before any vote and argued their case in Party forums. They tried to change Party policy. They showed the courage of their convictions but they also displayed loyalty to their Party and loyalty to the people of New South Wales. If you sincerely believed in electricity privatisation, if you believed that was the correct policy, that is precisely what you would do. You would try to convince others of your view, and that is what you do if you truly have the courage of your convictions.

Those Labor people supporting electricity privatisation in New South Wales did just that and took it to their Party conference, the equivalent of the State convention here in South Australia. They, including the Premier of the day and the Minister for Energy, were resoundingly defeated by the rank and file of the ALP. After having honourably and honestly argued their case, they accepted the view of the Party and abided by the collective decision of the Australian Labor Party, which was overwhelmingly endorsed at the New South Wales election. What they did not do was stay silent, say nothing at convention, sit on their hands, say nothing at State Council, say nothing in Caucus, say nothing in Parliament for a year and then vote against both ALP policy and the will of the people. That is why we are not talking about bravery, we are not talking about guts or courage; we are talking about cowardice as well as betrayal.

Before it has even begun, the sell off of ETSA is in disarray. This last week has demonstrated just how incapable this Government will be in selling our most valuable public asset and just how little it cares for the public interest in the process. The Treasurer was asked, 'What is the difference between a sale and an almost 100 year lease?', given his own claims that a lease would capture all the value of a sale. If someone is prepared to pay the same for the lease as for the sale, what is the difference? What was the basis upon which Trevor Crothers was conned and then traduced? Rob Lucas could not answer in the Legislative Council on 3 June. He was asked, 'What was the impact on the proceeds of the sale of ETSA of the already existing Edison Capital lease? How much might this existing lease take off the price of sale of ETSA?' His response was, 'I have not had any discussions with Edison Capital.'

The Treasurer then assured us that the financial impact of the existing lease would be relatively small, without providing the slightest evidence. He hid behind his commercial advisers, and we will have more to say about them later. He was asked in what order would the various assets be sold and

about the tendering process. His response again was simply disgraceful for the Treasurer of the State. He said, 'We have not made any final decisions and the Government will go through some sort of process.' They are going to go through some sort of process. Rob Lucas was asked who would provide advice to Cabinet on the tenders, who would assess the tenders. He prevaricated and again hid behind his legion of advisers and, after more mumbling, he said, 'We have the Electricity Reform and Sales Unit.'

The last anyone heard of ERSU it consisted of Alex Kennedy and Geoff Anderson, together with some Treasury officials. It is not what anyone would call well informed, high powered or even competent—barely sober, I would imagine, from my experience with some of the people involved. You would never claim with a straight face that Geoff Anderson has a record in financial management and scrutiny of which anyone could be proud. I remember his evidence in the royal commission. You would never claim that Alex Kennedy had expertise in the power industry.

The Treasurer assured us that a probity auditor would oversee the sale, no less. There would be many people out there in the electorate, presumably even Doug Colston over in Canberra, who would be pleased to know that there is to be a probity auditor. I remember the probity auditor over the water deal. Do you all remember him? There was a multi million dollar deal; they had a probity auditor and a secure room, but he went out to a long dinner. The video cameras broke down and the bids were illegally opened. Anywhere else in the world people would be arrested, that probity auditor would be locked away and stripped of his qualifications, but oh, no, do not worry, the ETSA bill might be a few more billion dollars and a longer lease, but the probity auditor is back.

South Australians will want some assurance that the probity auditor for the electricity privatisation will not be the same probity auditor as for the water privatisation, who, as I said, allowed the opening and coping of bids prior to the receipt of the final successful bid, went home hours before the final bid was received, allowed individuals to leave the SA Water building after the opening of ultimately unsuccessful bids, but before receipt of the United Water bid, and allowed videotape surveillance of the process to be stopped. And then there was that little crook, Terry Burke—and I say that advisedly. There is not a lawyer or solicitor in New South Wales who will disagree with that term about the man from Kazakhstan and his certain companies and the way he moves money around. No wonder there is such acute public suspicion of John Olsen and his water contract. How much have we spent on privatisation consultants?

Today, of course, the Premier confirmed, by way of a nod, that a success fee will be paid. I am told that $30 million or $40 million has already been paid on the ETSA consultants. A whole lot of them are currently parked up on the top floors of various hotels, no doubt with their French champagne, as they did over the water deal. There is also the rort that this Government employed New South Wales solicitors for this deal at a very high rate and who then subcontracted out to an Adelaide law firm at half the rate, and they are making pure profit. This is the greatest rort of all time, and now there will be a success fee. We can just imagine, now we have heard that Geoff Anderson and Alex Kennedy are apparently handling the successful bidder for the Alice Springs to Darwin railway, just how many of the Premier's friends will be rewarded.

How much have we spent on privatisation consultants? Could the Treasurer substantiate his Premier's claims that the ACCC and the NCC had forced the break-up of ETSA and Optima into seven different weaker companies? Again, no response in the Upper House from the Treasurer. The Treasurer was asked what form this lease would take. Did the Government expect any discount on the lease price as a result of the charade of having a vote in the Parliament on an extension of the lease beyond 25 years in the next two or three years? The only thing Rob Lucas could do was claim, 'We can capture virtually all the value of trade sale through this long-term lease.' In other words, the lease is a sale and no more or less. The Treasurer told the truth despite himself.

Then he was asked the fundamental question, 'Can you guarantee that the sale would be of financial benefit to the budget, despite all the evidence that it will not, given that the Treasurer has said that no-one can know how much we will get for the sale and given that interests rates are at an historic low, making the assumed benefits from any sale less and less?' As usual, Rob Lucas just shrugged his shoulders. All he could say was that his advisers had told him that this would be a good deal for South Australia.

We know what we were told, as I said before, about the water privatisation: it was in the contract, Australian ownership, lower water prices, new jobs, exports overseas, and a new export industry. We saw the results again: prices up, jobs lost, no evidence of more exports, 100 per cent foreign ownership, and not in the contract. We got that only when the contract was leased.

Just two weeks ago, on 28 May, Rob Lucas and John Olsen were asked these fundamental questions about what ETSA is worth and about whether the sale would leave South Australians better off or worse off financially. The Premier claimed, 'The position is that that would save something of the order of $500 million worth of interest.' Then his Treasurer, Rob Lucas, claimed the interest savings would be only $300 million. He said, 'Because no-one can say what you're going to get for the sale value of your assets; you can only tell me how much people would pay for the assets. You can't tell me how much people would pay for the assets; you can only make estimates.'

Just the other day, on 3 June, the Premier told us yet another different story. He said that the sale will, '. . . remove the $2 million a day interest that we are paying.' That is $2 million a day in interest rates to the total interest payments on the whole State debt of $7.5 billion. If we take the Premier at his word, and not the Treasurer, that means that the Premier is now claiming the sale of ETSA, through a long-term lease, will gain a minimum sale price of $7.5 billion if it is going to remove the total debt and remove the $2 million in interest payments a day. That is the benchmark now set by the Premier, at $7.5 billion.

The Premier has now given not one but two implied sale prices to ETSA, and the Treasurer has given another altogether different one. It comes down to this: the Government wants to privatise ETSA, South Australia's largest income earning public asset. At the very same time, interest rates are very low and the costs of servicing our debt have come down. But the Olsen Government will not and cannot prove that selling will be of financial benefit to the State. The Treasurer and the Premier are quoting wildly different values for the sale. At the same time, Premier Olsen is claiming that tomorrow ETSA will be worth only a fraction of what it is worth today. That does not quite make sense, does it? They claim that we must sell ETSA now because otherwise it will be worthless.

Somehow those people from overseas who are interested in running our electricity assets will barrel down to South Australia and pay us quids in the knowledge that these assets will be worth hardly nothing in two years' time. It does not work like that in the real world.

The Premier then tells us that the sale could wipe out more than twice the amount of interest payments as the Treasurer has claimed. The bottom line is that John Olsen and Rob Lucas cannot be trusted to sell our most valuable income earning asset. Remember the words of the Treasurer when he said, 'You can't tell me how much people would pay for the assets.' That is the key question. If you do not know that, why sell it? If you do not know what impact a sale would have on your bottom line, if you intend to wipe away your income earning assets, why would you not make sure that you knew exactly how much it was worth or at least politically make sure that you and the Premier got your lines right?

Remember this as a rare moment of truth from the Government in this sordid sell out of South Australia. Remember that remark when all those promises were made for a better future if only the Liberals could be allowed to sell the State of South Australia out from South Australians. When the name of John Olsen is merely a faint memory for most South Australians or a synonym for a politician who does not tell the truth, remember that remark and recall how all those phrases and promises came to nothing. The only promise that John Olsen will deliver is the one that he does not make: to sell off our assets to financiers in the UK, Japan, Europe and the United States whose interests are not ours but whose interests and obligations, legal and otherwise, relate to their shareholders.

The Government has today run out of excuses. A couple of weeks ago the Premier confirmed that the Government had no policy for South Australia other than the privatisation of ETSA. There is nothing left for the Government to do now but to explain why there is nothing more that the Olsen Government can do to improve the prosperity of South Australians. The Olsen Government must now explain why it cannot deliver on all the things that it said it would do if only it could sell ETSA. We were told that if it could sell ETSA there would be everything for everyone: a new TAFE campus would be built each week; a thousand school computers a day would be bought; and an extra 27 000 outpatient procedures would be performed each day, to name just a few. Those claims were fraudulent and will not be delivered.

The whole policy of privatisation goes back to 1996 when the meetings started. There were meetings in hotel rooms in Sydney and Melbourne with financial advisers from the United States in July and August 1997 where this was all cooked up before the election and before they accused us of lying. Who are the liars now? Graham Ingerson went to those meetings and so did the Premier. I want the people to say who told the truth and who told the lies during that election campaign. No-one was told about these meetings in Sydney and Melbourne. No-one was told that the plans to privatise ETSA and to lie to the people were hatched long before the election, and that is why they will not release the reports. No matter how many quislings join this Government, they will be condemned by the people at the next election.

I make one promise. When the water deal was paraded as a triumph for the Government (both politically and economically) and the deal was announced on 17 October 1995, with John Olsen and Dean Brown sitting nervously together (just for once), we ran down that contract: we went through it with a fine tooth comb and found out the truth. Bit by bit, we had the slow water drip, the truth came out and the public turned against this Government and removed 13 of its members. This is an even more dishonest trick on the people of this State. The Government does not need to lose 13 members next time: it needs to lose only three. We will keep you right on the line every single day, on each Minister's promises, reminding the public of the deceit and dishonesty until election day, when we will farewell you—and so will the people of this State.

The CHAIRMAN: Order! Before acknowledging the member for Elder, the Chair points out to the Committee that a considerable amount of flexibility was shown in regard to the Leader's contribution as lead speaker in this debate. The Chair will now return to—

The Hon. M.D. RANN: I rise on a point of order, Mr Chairman. Let me say that we are voting against every single one of those 30 amendments.

The CHAIRMAN: Order! The Chair will now return to Standing Order 364 whereby each member will have the opportunity to speak on three occasions for a maximum of 15 minutes.

Mr CONLON: If you show me forbearance, I will not use all that time, but we will see how it goes. I rise to support my Leader, my Party and, most of all, the people who elected me. What faces this Chamber tonight is the disposal of the biggest asset, the biggest business, in South Australia on the basis of politically, historically, the greatest act of deception and theft this State has seen. We are seeing a change in the political and economic landscape of this State that has been brought about by the most shabby, tawdry, underhanded and dishonest means by which any such change has ever been brought about. The Leader made very clear what the deception was. Everyone in South Australia knows what the deception was. We know what the people of South Australia were told before the last election.

It turned my stomach to sit in the gallery of the Legislative Council tonight and see the snickering, laughing Legislative Councillors of the Liberal Government celebrating their tawdry, underhanded, dishonest victory on this matter. We know what the deception was, and we know what the theft was: the theft of two votes not simply from the Australian Labor Party but from the people who elected those members of the Australian Labor Party to the Parliament. I refer, of course, to the honourable Terry Cameron and the honourable Trevor Crothers. People might be surprised that I would refer to them as 'the honourable', but I have an historic precedent.

I have been sick to the gills of reading about how the very principled and popular Trevor Crothers is such a well read man. If he is, let him then understand my historic precedent for the term 'the honourable'. It is used in exactly the same way Mark Antony used it in his speech in *Julius Caesar* when he referred to Brutus and his co-conspirators as 'honourable men'. By the same standard, so Terry Cameron and Trevor Crothers are honourable men, and my fondest hope—

Mr VENNING: I rise on a point of order, Mr Chairman. Standing Orders prohibit members from reflecting on members in this and another place.

Mr CONLON: You tell me what it was, then.

The CHAIRMAN: Order!

The Hon. M.D. RANN: Mr Chairman—

The CHAIRMAN: The Leader will take his seat. The Chair upholds the point of order.

The Hon. M.D. RANN: I rise on a point of order, Mr Chairman. Is the honourable member for Elder being

brought to order for describing members of the Upper House as 'honourable' according to Shakespearian tradition? If that is so, that is a very odd ruling and one that no doubt will be celebrated in Erskine May.

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

Mr ATKINSON: I rise on a point of order, Mr Chairman. Are you ruling in defiance of every precedent this century that members of the House cannot reflect on people outside the House? Is that what you are ruling, and on what basis are you ruling?

The CHAIRMAN: Order! The Chair has been very tolerant.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! The Chair has been very tolerant in this regard. In response to an earlier point of order I indicated that it was against Standing Orders to reflect on another member in another place.

Mr Atkinson: Which one, Sir?

Members interjecting:

The CHAIRMAN: Order! Reference is certainly made in regard to debate in another House, and also in regard to the words contained—

Mr Atkinson interjecting:

The CHAIRMAN: I beg your pardon?

Members interjecting:

The CHAIRMAN: Order! The Chair has indicated support for the point of order.

Mr Atkinson interjecting:

The CHAIRMAN: Can the Chair plead with the Committee? We have a long way to go in this debate tonight and I ask for the support of all members in this place for the way in which that debate is carried out.

Mr ATKINSON: I have a point of order, Sir. Reference has been made to Standing Order 125 which states:

> A member may not use offensive or unbecoming words in reference to another member. Subject to Standing Order 137, if the member referred to takes objection to what he/she considers to be offensive or unbecoming words, the Speaker requests of the member uttering the words to withdraw them.

That means a member of the House of Assembly; it does not mean a member of the other place. If it did, how could a member of another place rise and take objection under Standing Order 125?

The CHAIRMAN: Order! The member for Spence will realise—and he has been here long enough to know—that for a very long time it has been the practice of the House not to reflect on other members in another place, and Erskine May supports that. If the honourable member would like to come to the Chair, the Chair would be very pleased to point out exactly where reference is made in Erskine May to that point.

Mr CONLON: If it will help, I withdraw the reference to the members being honourable.

The CHAIRMAN: Has the member for Elder concluded his remarks?

Mr CONLON: No, I have not.

The CHAIRMAN: The member for Elder.

Mr CONLON: I simply hope that those two Legislative Councillors, given that I cannot refer to them as 'honourable', do share the fate of Brutus and his co-conspirators, and I hope that so fondly. It surprised me not that this situation was brought about by the betrayal of Labor principle of a Legislative Councillor known as Terry Cameron. I will not reflect too directly upon him except to say that, over the years, it has been my misfortune in the Labor Party to deal with him. I cannot criticise him too much because it is to my shame and to the shame of every member on this side of the House that we housed, fed and kept him for so long.

I simply make this comment about him: he is an odious creature devoid of principle or scruple. I will say no more about him. I could not, however, understand (and it puzzled and hurt me) the attitude of Trevor Crothers. I pondered all week after he announced his intention to our Caucus. I did not fully understand it until I heard his 1¾ hour rambling speech in another place. Let me put this on record: never have so many gathered for so long for such a bad speech. After listening to that 1¾ hour speech, I knew why Trevor Crothers was betraying the principles of the ALP: it was out of nothing but vanity. He is a man whose vanity towers above his talents, abilities, visions and, most of all, his integrity. I will not quote the words from another place, but I will make reference to some of the points that were made in that speech, because it is on the basis of that reasoning—and I use 'reasoning' in the loosest possible sense of the word—that South Australia is to lose its biggest asset and its biggest business.

Trevor Crothers spoke for three-quarters of an hour on why he had staunchly opposed the sale of ETSA. It was a mixture of semi-lucid reasoning, *X-Files*-type logic, with a big whack of conspiracy theory thrown in about the monopoly control of fuel, electricity, water, and all those sorts of things. Fair dinkum, I was waiting for the theory about the second gunman on the grassy knoll to creep into this part of the speech. Then, having heard all those good reasons why, as a good democratic socialist, as he said over and over, he would oppose the sale of ETSA, we got to the reason why he would support the lease of it: because—and I cannot quote him—it is a different animal entirely.

Having got to this point, I thought we will get 45 minutes on this. We did not. We got to find out that we would lose the biggest asset in South Australia because it is a different animal entirely. One had hoped that he would expand on this reason, but that was not the case in that 1¾ hour rambling speech. I do not know about this, but I am told that in a later contribution we found out the real reasoning: it is because a chimpanzee's DNA is 98 per cent like that of a human being. But it is not. We are losing the biggest asset, the biggest business, the biggest thing the people of South Australia own on the basis of the reasoning of a man who thinks a chimpanzee's DNA is 98 per cent like a human's, therefore, we should lease ETSA. I am sorry. I do not get it, and I do not think the people of South Australia will get it.

In the case of some people, I would have thought the margin for error between a chimpanzee's DNA and theirs is probably a lot slimmer than that 2 per cent. I say that we are losing our asset on the vanity of this tired old person—and I say this with some shame and hurt, because, again, it is a person that we have fed, that we put in the Legislative Council and that we kept him there. Any examination of history does not show much of a contribution for us or for the $100 000 a year he pulls as a result of getting the trust of Labor supporters in South Australia. What we do know is that he is a man who has permanently been on the backbench; but that has never affected his soaring and leaping vanity.

I refer to some of the other elements of what can only loosely be described as a speech or a line of reasoning. Members may think I am wrong in referring to this man's vanity being the cause. During his speech he refers to Mark Latham, who he says is one of the few people who can think

in the ALP, as I understand his reasoning. How does he know that? Because Mark Latham wrote a book. Trevor read six pages of it. From those six pages, he told us that he was sure that, since Mark Latham was espousing all the values that Trevor had had for 15 years, he must be right. Read no further! He had discerned the ultimate truth in Mark Latham's book, and it was true because it was just like the things Trevor had been thinking. I have spoken to Trevor a lot and, if he does think about a lot of things, he does not let on. He usually talks only about himself.

This is the logic on which this State is losing its biggest asset. Let Trevor understand this: behind his back, they are all laughing at him, too. They have their vain mug who is giving them their dirty deal, and they are laughing behind his back, just as they laugh at us when they are out of the Chamber. You know how long they will listen to your dull stories in the corridor, Trevor? Until they get their vote, and then you will be back on that backbench and insignificant again until they need another vote from you. Don't kid yourself. Your vanity has deluded you.

I will close and say some more about what price South Australia is to pay for the treachery of one odious creature and the vanity of another, but I will make that contribution on a further amendment. We are getting a dog's dinner of a deal on the biggest asset in South Australia because of the conjuring and the shifty underhanded nature of everything that this Government has done in trying to get this deal through. We will face up to our responsibilities in this place. Part of our responsibility is that we did feed and elect those two creatures who have so betrayed the people of South Australia. We will do what we can to make that up, and we will make this a better deal. The people of South Australia are going to lose their greatest asset and we will make a better deal of it if we can. I just wish we could stop it.

Let me close by saying this: among those smug self-satisfied faces in the Legislative Council this afternoon a few of the interjections flew from the not honourable Mr Cameron and Mr Crothers that 'this is what they said about Norm Foster'. If they believe that, they kid themselves. If they think they are like Norm Foster, they kid themselves. If they think they will share his fate and be welcomed back to the ALP, they kid themselves. Whilst my heart beats and while I draw breath, those creatures will not be back in the ALP.

Mr McEWEN: It is not my view, and I do not believe it is the view of the majority of the electors of Gordon, that what we have before us tonight is in the best interests of the State. I believe, and I have said it a number of times, that there is risk in owning generators in an aggregated or disaggregated form and this State should be looking for opportunities to dispose of its generating capacity. Besides, we need to look at interconnects and at competition, which will come as much from generation in this State as from generation through interconnects.

I believe, and I believe my electorate also shares with me the belief, that transmission lines can be sold; they are part of the interconnects, and they can be put on the market. Equally, we believe that the State does not have to be in the retail business. The retail end of the energy market can be in private hands and value can be added by offering other services and other energy sources. I believe it is the poles and wires business that is a very valuable asset which shows a return on investment. It is an asset that I would prefer to remain in State hands. Unfortunately, it constitutes something like 80 per cent of the package—it is the valuable bit. The bits with the risk in them—and we have heard so much about risk—do not have a lot of value in them. It is the poles and wires business that has the value.

The next best option is the one that many people in my electorate have shared with me, saying, 'If we have to sell, at least give the owners a chance to buy it back. At least give the people of South Australia a chance through a partial float to buy it back, even if it means selling a keystone investment of 40 per cent and floating the other 60 per cent.' Again, I am told that is not an option that I will have an opportunity to debate because, I am told, there would be too big a discount to the value. Certainly, I share some of the views of Mark Latham, and I notice the member for Elder quoted from *Civilising Global Capital*, from which I have quoted in this House previously. I believe I probably share more of the views of Mark Latham than do some members opposite.

Members interjecting:

Mr McEWEN: But I can at least say that I have read the whole book.

Ms Key: You're on your own.

Mr McEWEN: That is two of us: the author and me. Let me move on. So, I am reluctantly accepting that the lease will go ahead, and my intention now is to try to make the best of the mess because, when you are up to your crutch in crocodiles, it is very hard to remember that your prime objective was to drain the swamp. The prime objective tonight is debt reduction so, if we are going to make the best of this mess, we must focus on debt reduction. So, I am putting members on notice that, if it is to go, it is to go towards debt reduction, and nothing more. If it is to go, that will be the sole purpose. I also need to say that, if it is to go, let it go now. If we are to put in place a lease with options, put that framework in place now, and do not revisit it. I repeat: let us get it right now and put it in the marketplace without any uncertainty. The last thing we want to be accused of after tonight is discounting this value further. If the poles and wires business is worth so much, do not let us be accused of discounting that value further. If it must go, it must go at the best possible value. The prime objective is debt reduction: let us focus on debt reduction and nothing more.

Mr CLARKE: I support many of the comments of the member for Elder. I find this a particularly galling piece of legislation, because Trevor Crothers had been a friend of mine for 25 years and a union colleague for that time. He had done fantastic work for the trade union movement and for the members he represented in the union and in his support for the Labor Party. But for him to have crossed the floor against the unanimous decision of the State convention of the Labor Party, the State Council and the State parliamentary Labor Party is unforgivable. This State's greatest asset has been hocked because of one person. But I should not be so harsh on Trevor, because two Labor members deserted the Labor cause. They were elected on Labor Party platforms, they took the pledge as Labor Party members and, when they sought pre-selection, they stood up before the annual convention and swore an oath to abide by the majority decision of the Party.

While I have had my disagreements with the Party, I have always stated my view in advance and my opposition to positions that the Party may have had, and I have done so within the forums of the Party. Neither Trevor Crothers nor Terry Cameron at any stage—at any convention or any monthly State Council meeting or any of the weekly State parliamentary Labor Party meetings when Parliament was in session—so much as raised a whimper of opposition to the position of the Labor Party on this issue of opposing privatisation, whether it be by lease or by sale. And whereas

some local members of Parliament in the House of Assembly might say that they were elected because of their dominating personalities and that their Party affiliations were merely ancillary to their victory, in the Legislative Council that is just demonstrably not true. They are elected, whether they be Liberal, Labor or Democrat—and I have not forgotten the Hon. Nick Xenophon, but I will deal with the major Parties for the moment—and I do not include the Democrats as a major Party—

An honourable member interjecting:

Mr CLARKE: I don't need the kiss of death from you. The issue is that the eight members that the Labor Party had in the other place when this new Parliament began in October 1997 were committed to the opposition of the Labor Party to the sale or lease of ETSA. Of all members of the Labor Party, the Legislative Councillors more than ever owe their position to the Labor Party and to the policies of the Labor Party. They were elected on that manifesto and, if they are honourable men, when they cross the floor, they resign. It is no coincidence that they buck the Party discipline, as they would term it, in their last session of Parliament, after they have sought succour, aid and comfort from the Labor Party for all these years and earned their bread from the support of the members of the Labor Party and supporters of the Labor Party who voted for us at those elections. If they were wanting to run for re-election, I wonder how they would have voted in the Chamber today. I find that very, very hard.

As I said, Trevor Crothers has been a good friend to me, and for him to have turned his back on the Party, on his comrades and on the people who supported him over so many years is heartbreaking for those of us who have known him. And to do it for a Liberal Party which despises his origins, his Labor movement connections and the trade union from which he came and which does everything it can in its industrial relations legislation to hurt the most vulnerable members of our society—and he sides with them on this piece of legislation—is more than galling. It is more than galling for those of us on the Labor Party side who have called him our friend and our comrade and whom he has assisted over the years, but it is unforgivable, more so, as I said earlier, because at no time did they raise their objection in any forum of the Labor Party.

At no time did they argue that the sale or lease of ETSA was in the State's interest and stand up to be counted within the forums of the Party. There is no disgrace in being defeated within the forums of the Party if you state your views honestly and you still get rolled, but at least you have flagged and argued your views. To do so at the eleventh hour on the most specious of arguments is just dishonourable. In a note that I wrote to Trevor—I could not get to see him because he would not see me—I said to him that in 1987, when I was Deputy of the Party, I travelled to Leigh Creek with Mike Rann: I went to Port Augusta and I went to see those ETSA workers, asking them to believe that, if they voted for the Labor Party, whether we were in Government or in Opposition, we would oppose the sale, lease or outsourcing of ETSA. And they believed us. They believed me. I had to look them in the eye. This was at a time when AN was being dismantled, largely as a result of what a Federal Labor Government had done in 1991 by the creation of the National Rail Corporation, which had decimated the work force in Port Augusta of blue collar workers, traditional Labor voters in that city.

We were asking these other workers at Leigh Creek and at the ETSA Port Augusta power station to believe us; to believe that we had reconnected with our roots and that we would not let them down—and they voted for us. If this piece of legislation goes through tonight, it will ultimately lead to the dismissal of a large number of ETSA workers; notwithstanding whatever piece of legislation that passes here tonight, private enterprise will see that a number of those people will lose their jobs. They gave their faith to the Labor Party. To think that two former members of the Labor Party took it upon themselves without any notice to the Labor Party to decide to cross the floor in the aid and comfort of our class enemies, I find more than sad: I find it utterly revolting.

In conclusion, I trust that, with the amendments that are debated tonight, we can salvage something out of the loss of a great asset to this State. If we are to sell ETSA—because that is effectively what we have done, even if we term it a lease—at least we must try to reduce the impact of the loss of that income stream and use it to pay off our debt. We cannot allow the Government of the day to fritter it away on recurrent expenditure so that we deny the State the benefit of at least reducing our State's debt when we give away this magnificent natural monopoly asset of the people of this State. So, I implore the three Independents at the very least to stand firm on those matters so that we can salvage some good out of an unholy alliance, where dishonourable actions have taken place that will see the transition of a great State asset from public hands to private hands forever.

Mr HILL: Tempting as it is to speak about the past tonight on this historic occasion, I would like to talk about the future, particularly the future of many of the members opposite. Last Thursday night as they were celebrating on the first floor of this building, no doubt drinking expensive champagne—

Mr Venning interjecting:

Mr HILL: Oh, weren't you invited, Ivan? Many of your colleagues were coming tumbling down the stairs with glasses in hand and little nibbles that no doubt had been put on by the Premier to help celebrate this great victory. I know the Government was very optimistic and very up last Thursday night, because it had finally had a victory and it thought things were turning around for it. I want to say to Government members that the fact that you might get this sale through here tonight or through the Parliament over the next couple of days does not change one iota the fact that it is deeply unpopular out in the electorate. The fact that you are selling it will not make it any more popular. I say to the various backbenchers and front benchers on the other side that they will be experiencing a sustained campaign from not only the Labor Party at the next election.

I point out that some of the seats where our campaigning will rely heavily on the ETSA issue are the seats of Hartley, Mawson, Bright, Colton, Light, Adelaide, Stuart and Frome. They are all marginal Liberal held seats where we will be reminding your constituents, day after day, week after week, month after month for the next two years how you told lies to and deceived the people of South Australia before the last election and how you have done them in the eye with this dirty deal.

An honourable member interjecting:

Mr HILL: I am getting there. That is where the Labor Party will be attacking you. But, because of these new arrangements, you will also be under attack from the Democrats. I say to the members for Heysen, Davenport and Waite that your margins are also very slight when it comes to a Democrat contest, and the Democrats will be out there

gunning for you. They are already preparing themselves. Your seats—

An honourable member interjecting:

Mr HILL: We will get to the honourable member. Your seats will be under attack from those people as well. But it is not only those two: they will be fighting on a third front. They will be fighting their colleague, the member for Chaffey. They will be fighting a contest with the member for Chaffey—particularly the members for Schubert and Flinders. I am not too sure how the National Party stacks up in Kavel, but perhaps there as well. But they will be fighting a contest with the National Party. And I must say that I think the member for Chaffey has played her hand very well on this issue by distancing herself very clearly on the front page of the paper and in the media, saying that she is opposed to the sale of ETSA, the privatisation of ETSA, the lease of ETSA. She was positioning the National Party very well to get into your backyard, member for Schubert. And over the next two years she will be letting your constituents know how you voted on this issue, how you sold your constituents in the eye, and why the National Party has stayed pure and will stand up for the people of South Australia and for the people in your electorate.

I am interested in the future: I think that is where we need to focus. The future for members opposite is very bleak. They may get it through this Parliament but they will not be able to convince the people of South Australia that what they have done is a good thing. It will be like the water contract all over again. For the next two years, as they try to get this thing through they will be stumbling all the way. All the secret documents will come out; all the consultants' fees will come out; we will find out about all the bottles of champagne drunk with great vigour in restaurants in Adelaide; and the people of South Australia will know. Not only will they be opposed to the leasing of this instrumentality but—

The Hon. M.K. Brindal interjecting:

Mr HILL: No, they get delivered to us. We do not need trench coats. But over the next year or so the people will be horrified by the behaviour of the Government in getting this lease in place. To give members opposite an indication of the kind of pressure they are going to be under, I would like to read from a letter that was sent to me in February 1998; I have been sitting on it for a while, waiting for an appropriate moment. This is a letter to the Premier signed by someone whose name I will not mention but who describes himself as an ex-Liberal voter—very ex! And he wrote to the Premier about privatisation. The Premier has left, but he would have a copy of this in his files. I know this gentlemen. He is a constituent of mine, and he and I have had many discussions about politics.

Mr Venning interjecting:

Mr HILL: No, he was a branch secretary of the local Liberal Party. In this letter he says:

> Dear Premier,
>
> Resign, Sir. Resign now as the Premier as your mandate to rule has been terminated. Your political credibility is beyond repair. You must stand up as a man and a political figure and admit that you or your colleagues have not got a clue as to how to run this State. You must stop blaming the previous Government, else we could take this back far enough and blame poor old Tom Playford—

who, now doubt, is rotating in his grave as this Bill is going through the House—

> You must stand aside now, Sir, and let the people have a Government that will at least honour some of its electoral commitment.

This is a key bit for members opposite. He states:

> I vote Liberal. Indeed, I was a Party political animal at a time when you were the Party President. I thought that you had some status above the lying, cheating deviants that were lining their own pockets—

he is talking about other Liberal Party members there, I think—

> with no consideration for the masses. My, how things change. If you and your Party are so hell bent on privatisation, why not privatise the Parliament?

Then there are about six or seven lines that are not edifying. It is a general abuse of politicians, and so on, that I will not read to the House. Then he says:

> My father fought for this country. He gave his damnedest to ensure we would have a country to live in. And politicians like you come along and all you can see is sell, sell, sell. Well, sir, sell something that will affect you; sell something that will make your political colleagues sit up and take notice. But please consider resignation, as I see that as the first step in us having what we want; and we have that right. Indeed, we have that right.

And it is signed 'Yours sincerely, ex-Liberal voter.'

As I say, he was Secretary of the local Liberal branch in the electorate of Kaurna, in Bowden.

The Hon. M.K. Brindal interjecting:

Mr HILL: I will show it to you afterwards: you know him.

An honourable member interjecting:

Mr HILL: It was not my uncle. He was an absolute, dyed in the wool Liberal voter, and that is what he said. That is what members opposite will have to get used to. That is what the future will be telling them. Liberal voters will be flocking to our side in disgust at their behaviour on this issue.

Mr WILLIAMS: Already several important issues have been raised this evening in the debate. Indeed, the member for Kaurna's contribution was rather interesting because, although he wanted to talk about the future, he did not want to talk about the future of South Australia; he did not want to talk about the future of my children and grandchildren or the children and grandchildren of all the other people in South Australia. He wanted to talk about the future of members in here. That is the problem with this place. The most important thing to many members in this place and a reason why a lot of decisions are made in this place is because of what might happen at the next election.

If we are going to talk about the future, let us talk about the future of South Australia. Let us talk about the way we will provide jobs and the way we will make it a worthwhile place for our children and grandchildren to live in. In my dotage, I do not want my children living far away. I would like them to be fairly close, somewhere they could visit me and I could visit them, and I am sure most other people in our community feel the same way. We will not achieve that for anyone unless we get the fundamentals of our economy right. We cannot spend the rest of lives fiddling. We must have an economy which will provide work and the finances to give us the ability to employ our children and our grandchildren. That is what I think the future is. I do not think the future has anything to do with what may or may not happen at the next election in a few marginal seats. Time will determine that. Irrespective of who sits in here after the next election, the people in South Australia want jobs. They want a future for themselves and their children. That is what the future is.

The contribution made by the member for Ross Smith was very impassioned. I feel greatly for him. I feel greatly for all those people in the Labor Party. I do believe that they find what has happened very difficult to comprehend and very difficult to understand. But, at the end of the day, Trevor

Crothers and Terry Cameron have done something which very few people have the guts to do. Normie Foster comes to mind, and every now and again there is someone amongst us who is not concerned about what happens at the next election and who is more concerned about the future and about jobs out there. Members of the Labor Party are always talking about jobs. These members have given up the beliefs of their life and what they have worked for during their life because of what they see as the more important issue. I feel greatly for them. They have been ostracised by, as Labor members would put it, their comrades. I do feel greatly for them, but I thank them on behalf of a great many South Australians. On 1 July last, I made my contribution in the second reading debate.

An honourable member: You haven't got any better since.

Mr WILLIAMS: Probably not. I said that this debate probably would be the most important in which I would be involved and I suggested that that would probably be the case for many of us. I stand by that. I think it is the most important debate in which I will ever be involved, and I do not think anything so momentous will happen in this place for many years.

The Government, having come into power in 1993 after the collapse of the State Bank, has been hamstrung; the State has been hamstrung and we are all suffering, everyone in South Australia is suffering. This is but one way we can, hopefully, overcome some of the problems. I accepted last July—and I still accept—that the Government had identified that there is a great risk to the State with the taxpayers of South Australia continuing to own these assets. I do not think that we should be responsible for continuing to hold that risk. We saw what happened with the State Bank and we do know, as those two members in the other place have determined, that there is a considerable risk to the taxpayers of South Australia.

There is the debt, and that is the more compelling reason to do what we are hopefully completing here today. The debt is what has made life so difficult for so many South Australians. The debt is what is forcing our children and grandchildren interstate for jobs, as a result of which they will not be close to those of us who want to have them around us in our old age. In the last 12 months when it has seemed that we might be getting somewhere with this, there has been a change in the mind-set of South Australians, and there has been a great hope. I know that there is a great division between those in our State who retain an emotional attachment to these assets and believe they should not be sold and those who believe that, if we can overcome the debt and if we can throw off the shackles, if we can move onwards from the disasters of the 1980s, there is some hope for us in the future. That is what this is about. That is the future, and I remind the member for Kaurna of that. That is what we should be looking at.

The member for Elder again made an impassioned speech and, as always, it was interspersed with humour. I commend him for his contribution. I always enjoy listening to his contributions, but I would like to correct him because, quite a few times, the member for Elder said that we are losing our biggest asset, our biggest business. We are not losing our biggest asset or our biggest business; we are privatising it. We are taking it out of the public sector and putting it into the p3rivate sector. We are not losing it. To lose it, someone would have to come along and physically remove it. That will not happen. He got it wrong.

Mr Foley: That would be a problem.

Mr WILLIAMS: It would be a problem. I continue to have the argument put to me that the poles and wires business is a monopoly business to which no risk attaches and we should therefore keep it. An interjection to that effect was made a moment ago. We are not losing the poles and wires, irrespective of whether we as taxpayers own it or someone else owns it. Electricity will still be delivered.

Ms Rankine: You don't know that—

Mr WILLIAMS: I do know it will be delivered. Electricity will still be delivered.

Members interjecting:

Mr WILLIAMS: Of course there will be blackouts, and blackouts already happen. There will be blackouts whether it is owned by the State or by some private entity, and it makes no difference whether that private entity is an Australian company or a group of Australian people, or whether offshore capital is involved. The electricity will still be delivered to our door.

I support all these amendments and, as I have for almost 12 months, I support the Bill. I think that it will help the future of South Australia, but I do have some concerns about what has happened. I am concerned that the assets will be leased, albeit hopefully for a very long term, rather than sold. There is talk that it could incur the State a penalty of something like 10 per cent. If that is the case, that could equate to something like half a billion dollars, and members opposite should contemplate that.

An honourable member: Move an amendment then.

Mr WILLIAMS: 'Move an amendment then,' was the interjection from the other side. It is pointless for me to move an amendment but, if the honourable member moves an amendment and supports it, it will get through. Members opposite should contemplate what they forced on to the people of South Australia, namely, a discount which could be as high as $500 million. In closing, there are a few further amendments to the amendments that have come back from the other place, which I believe will be successful in this place; and I hope that when the Bill is returned to the other place they will be carried and make this a better piece of legislation than it is at the moment. We will get on to those shortly.

In his contribution the member for Elder suggested that this was a dog's dinner: that is also incorrect. What we have had in South Australia for some time is a dog's breakfast. Coming at the beginning of the day through this measure we may be able to clean that up and get on with a new day and a new future.

Ms KEY: My contribution not only reflects my position and the position of the Labor Party but also that which I have ascertained from the electorate. Like most South Australians, I do not believe that our electricity assets should be put into the hands of private overseas people—we should own our power supply. The way in which this leasing will take place is an absolute disgrace.

This is a rotten position for South Australia to be in for two main reasons. First, it is the Government's responsibility to provide infrastructure in this State and power generation and support to both individual householders and industry. It is part of our responsibility and it should be part of the responsibility that the State Government takes up. I also believe that the deals that have been put before us are not good for South Australia. I cannot see how South Australians will ultimately benefit, even if it is over 100 years, with the figures I have seen. Being someone who is strongly for the

public sector (and I make no apologies for that as I believe the State should provide these services and employ people in South Australia), I have looked at the arguments put forward by the other side.

I have also looked at the arguments put in the other place and the arguments put together by the Independents and people from other Parties and I am still not convinced that the program we are about to debate with regard to the amendments is in the best interests of South Australians. It is not in our financial best interests, and I do not believe that in the long run it will be in the best interests of the people who come after us. We are being asked to make decisions for Parliaments six or seven elections away. People over the next 100 years will look back to today and criticise the Government for what it has done.

A lot of comment has been made about members in another place. Like many of the trade union officials on this side, I have worked with both of them, and in the case of Mr Crothers in particular I am deeply disappointed in his decision. I have also worked with the other former trade union official and, although I do not know him as well as Mr Crothers, I am also disappointed in the grandstanding position he has taken. It is not in the best interests of South Australians. Those members have broken their pledge to the Labor Party and they should be condemned for so doing.

I do not want to talk about personalities as we have to look forward to the future. The member for Kaurna is quite correct. My opposition and certainly the opposition I have heard from our side of the Chamber is to do with the fact that this is a rotten deal and not in the best interests of South Australians.

Mrs MAYWALD: History will judge this day through the outcome of the next election. The people of South Australia will have their opportunity to judge this Government not only on the events leading up to today but also on what this Government will be able to deliver as a result of this decision, which will be made by a majority of members in this Chamber tonight.

I reluctantly accept that this decision is now out of my hands, so I will be working very hard to ensure that I can salvage the best possible deal for South Australians. I would like also to put on the record that I am very disappointed in what this Government has put the people of South Australia through over the last 12 months. It has used every dirty tactic possible to bludgeon South Australians into submission on this issue. It has used the ETSA tax threat and the $1 billion bribe, and I believe that this is unconscionable.

The people of South Australia voted this Government into this House at the last election based on the principle that, before the election, it maintained that it would not sell the electricity assets. I will not comment on whether or not that was the right position or the right decision for it to take before the election. However, from my assessment of the data that has been provided since, the scoping studies that have been done and the position that has been presented to me, I believe that this State will be no better off as a result of the deal that is being done here today.

The people of South Australia will be sorely disappointed when we do not have $2 million a day to start spending on all sorts of other things. The people of South Australia will be very disappointed when we still have a debt come next budget time. We may have a reduced debt but we will still have a debt. The expectation in the electorate is that, if we sell ETSA, we are going into the next millennium debt free. What rubbish! The expectation in the electorate is also that we will have this huge bucket of money to spend, and that this State will all of a sudden go forth and conquer the world.

This leasing option of ETSA and Optima assets is not the panacea for this State's financial problems. As my colleague the member for MacKillop said, I too want jobs for our kids; I too want a future for this State; but I believe that we need to be able to manage the expenditure of this State properly and not rely on the sale of our most strategic assets to plug the black holes of this Government's own making. This is a sad day but, as I said before, this decision is now out of my control, so I will be doing everything I can to salvage whatever I can for the people of South Australia, because I believe they deserve a better deal than this.

Mr HANNA: I rise to debate the first set of amendments of the Legislative Council in relation to the legislation to sell or lease ETSA. I will be brief for two reasons. First, I debated last year the principles concerned, and I stand by my reasoning and the views I expressed then. Secondly, my colleagues and, to an extent, the members on the crossbenches have amply and passionately expressed this evening many of the reasons I would wish to put forward again.

The proposal to lease or sell ETSA is not about debt reduction. It is a gross, cynical exercise to get more money into the Government's coffers to give the Liberal Government a lifeline at the next election. The Liberal Government wants money to spend, not money to save and retire debt. It does not have a policy or a set of policies; and it has no discernible ideology apart from driving inexorably towards smaller government, government with fewer assets, less income and less spending. However, that ideology, that policy (if you can call it a policy), ignores the plight of the majority of South Australians, who rely on State Government and other levels of government to have a decent standard of living.

This proposal to sell or lease ETSA is certainly not about reducing electricity prices. If the Government was serious about that, it would be looking closely at approving and supporting a Riverlink concept or some other means of significantly increasing the supply of electricity in South Australia so that prices would drop. Any potential entity that might lease or buy the ETSA assets has already factored into account the cynicism of this Government and the likelihood that, as soon as it has the money in the bank, it will proceed to take the necessary steps to reduce electricity prices in South Australia because it knows that it has big business on its back screaming for it to do that.

They will seek to do that whether or not whoever leases or buys ETSA will be hurt by it. This debate is about integrity. Every member of this place is aware of the complaints that people make about politicians and their lack of integrity. This Bill is *par excellence* an example of the lack of integrity of our leading Government politicians.

The fact is that before the last election the Premier, John Olsen, clearly stated that ETSA would not be sold. He has broken that promise. The member for Chaffey made the point that at the next election the people would have the chance to judge this Government on whether this decision has been accepted, whether it was the right or wrong decision in the eyes of the people. The fact is that the people should have been given that right at the last election. If they had voted for a Government which said, 'We're going to get rid of ETSA'—that is, get rid of our income stream in return for getting money into the bank to spend on goodies to entice the voters at the next election—it would have been a different story and we could not have made the same objections which we can validly make about the Government's integrity.

The word 'mandate' has been popular in recent political debate. What about the Government's mandate? Not only did it have no mandate to introduce a proposal to sell or lease ETSA given the Premier's statements before the last election: the fact is that the people of South Australia gave a mandate to a majority of members of the Legislative Council to keep the Liberal Government honest. With eight Labor members and three Democrat members (and others), the people of South Australia put in place a mechanism by means of which they validly expected in their collective wisdom to block any false moves by this Liberal Government, any moves which contradicted the policies with which this Government came into office.

Unfortunately, two of the Labor members have betrayed the pledge that they made to Labor and the people of South Australia. They betrayed the policies with which they agreed on every step of the way until they got to this point. I want to elaborate on this point because it is of historic significance. We have a pledge because members on this side of the House represent many people who do not have much power unless they gain it through solidarity. Members on the other side have ample resources on their side—they always do and they always have. At every election they have money pouring into their Liberal Party coffers, and we do not.

Even at the neighbourhood level, if I want to hold a fundraiser I might have a quiz night which costs $10 to get in with a $5 concession. A Liberal Party function would cost $200 a head, and it would get a lot of people along. That is typical in terms of the difference in fundraising between this side of the House and the other side. Often, members on this side of the House have not had the opportunities in life that members on the other side have had. So, unless members come in here with an absolute commitment to stand up for their principles and the electors who have put them in here, there can be gross betrayal and a perpetuation of the inequality between that side and this side, between the rich and the middle-class and working-class people of this State.

Unfortunately, when a pledge is broken, as it has been by Crothers and Cameron, they are letting down not only the people who voted for the Labor Party but also the people who voted for the Liberal Party, who put them into Government with a safeguard in the Legislative Council in terms of Labor and Democrat numbers.

Finally, I refer to accountability. From where I stand at the moment, it looks as though the ETSA lease proposal will be passed tonight. But there is a lot we can do to improve the accountability of the deal that the Government wants to put into place. To have the Auditor-General report on the lease itself is a start. It is not much, but it is a start. Ideally, the lease agreement would come back to this Parliament, or an independent inspection and audit of the lease and a cost-benefit analysis of the entire proposal would come back to this Parliament, before we made a final decision. That may make it difficult to sell. Well, it does not matter if it does, so long as the people of South Australia know they are getting a good deal. The Government is more interested in getting that money in the bank—even if the members of the cross-benches stand by their commitment to have the proceeds of the lease, as far as the State Government is concerned, committed to paying off debt instead of a slush fund to spend on electoral enticement.

The fact is that the Government will have less debt repayment, so they will have extra spending money, anyway. That is what members opposite really want to get their hands on. I can only encourage the members of the crossbenches to stand by their commitment to introduce some slight, increased accountability into the whole process. Apparently, that is all that the Labor Party can salvage from the deal which we so strongly oppose not only on the basis of the Government's lack of integrity but on the merits of the deal, because in the long term it will not be financially beneficial to South Australia.

Ms RANKINE: Tonight we have heard some very eloquent and passionate addresses about this issue. I am sure that all my colleagues on this side of the House feel very much like I do: that we stand here tonight with very heavy hearts. Like all South Australians, we feel a very strong sense of betrayal. We feel that we have been betrayed by our Government. We are mourning the loss of our most valuable asset, and those of us on this side feel the burden of the treachery of two former Labor members. Prior to the last election, I went to the people in my electorate and spelt out very clearly what was our policy: no sale, no lease. We were clear about that. We have stood by our commitment to the people of South Australia: this Government has not.

It is quite clear that the people of this State want to retain ownership of their power utility. I consider it a fundamental breach of faith by this Government to renege on the undertaking that it also gave before the last election. We have heard tonight about the New South Wales State election where the Liberals in that State at least had the courage to go to the people and say, 'We intend to sell your power utility.' They offered a cash bonus or some shares, but still the people of New South Wales very clearly said 'No', and at the next State election so will the people of South Australia. That is why this Premier never had the courage to do it last time.

We hear arguments all the time about risk, that it is too risky for the Government, for the people of South Australia, to be involved in the power industry. Risky? Where is the risk? What enterprise will forgo the $4 billion to $7 billion for something that will lose them money, that is risky? It is an absolute nonsense. Who will pay $4 billion for something that will not provide a guaranteed income stream? Members opposite must think that industries are complete mugs. All of the risk will be borne by the people of this State, just like we have seen them bear the risk of the privatisation of our water. What will happen, as we have seen with our water, is that things will break down and the Government will say, 'Do not blame us; we are not running it.' The Government was not responsible for Bolivar. Something goes wrong with our hospitals; the Government wants to privatise our hospitals. It says 'Don't blame us.' The Government will be saying to the people of South Australia, when they have been left in the dark, 'Don't blame us'; when we are like the people of Auckland, spending three weeks without power.

Members interjecting:

Ms RANKINE: They did not think it was funny.

Members interjecting:

Ms RANKINE: They did not think it was funny when they were trading on the streets for three weeks. They did not think it was funny.

Members interjecting:

Ms RANKINE: Were they trading on the streets for three weeks? Yes, they were.

Members interjecting:

Ms RANKINE: Yes, the traders were on the streets for three weeks with no power.

The Hon. J.W. Olsen: And you are wrong.

Ms RANKINE: No, I am not wrong.

Members interjecting:

Ms RANKINE: No, I am not wrong. Here is the Premier's $100 million black hole. How did he get that? I wonder. Perhaps it was the $30 million spent on the Hindmarsh Soccer Stadium, for how many games? For seven games. What is the average attendance? Approximately 4 500 people. We then have the money paid to the consultants to secure the soccer matches.

An honourable member interjecting:

Ms RANKINE: No, Kevin did not write it. We had the $87 million blow-out for Motorola; $50 million for consultants, and the list goes on. This Government has put forward a range of positions about why it has to sell ETSA. First, there was no sale; then, 'We have to reduce the State debt'; then, 'We need the money for our hospitals and schools'; and then, 'We have to pay for ETSA infrastructure.' Then the Government started with the threats. 'We will have a mini budget, that will frighten them,' thinks the Government. Then comes the big threat, the big punishment, in this present budget.

This is not about debt reduction. This proposal is about the ideological bent of this Government. It is about providing profits for Government mates. It is a major con. We will be losing a major income stream. We will be losing our biggest asset and we will never get it back. The burden that the people of this State face is not the burden of debt: it is the financial mismanagement of this Government.

I will return briefly to my mention of our Labor colleagues. First, let me reiterate what other speakers have said. We were not surprised with what the Hon. Mr Cameron did, and why was that? Because it just simply was not out of character. When I look back, with sadness, on his role as our Party secretary, history will show that he was the most disruptive and divisive State secretary our Party has ever had. His focus was never about what was best for our Party and the people we represent: it was always about himself. Not surprisingly, he has again put himself first. Doesn't that have a familiar ring? Perhaps that is where he got the name for his new political Party. The slogan: putting people before politics—talk about an oxymoron! If he does that it will be an historic event. It will be the first time the Hon. Terry Cameron has ever put anyone in front of himself. Why would anyone, how could anyone, believe anything this man says? How could anyone believe any commitment he makes. Look at how he honoured his commitment to those who had supported him for years, on whose backs he rode, those people who supported him as a Labor candidate. Let me just warn people: take care, take care before you put your trust in Terry Cameron.

It was with great sadness that I witnessed the Hon. Mr Crothers cross the floor last Thursday. This, very sadly, was the death rattle of a muddled old man lamenting missed opportunities, goals left unachieved and glories lost. Instead, he succumbed to the trappings of office. He languished comfortably in the Upper House, he languished in anonymity, he languished in unaccountability, and he wallowed in inactivity. Now we have him seeking a spot in the limelight. Already this sad old man is simply tomorrow's fish and chip wrapping. What he has achieved is a couple of days under the glare of television cameras and that is all. He has been dudded. Those who conned him have already dudded him. He sold out, he let down the community of South Australia, and his legacy is one that no-one on this side of the House would want or ever aspire to.

Mr Crothers has been described as a great unionist. Well let me just tell the Committee this: this man is not a unionist's bootlace. I have had people in the union movement describe him to me as a scab in waiting—47 years a scab in waiting. Whether or not this is true, Trevor Crothers has betrayed his union comrades, he betrayed his Labor colleagues, he betrayed ETSA workers and, most of all, he has betrayed himself. He has to live with his actions but, sadly, so do we, so does the South Australian community and so do ETSA workers. This process has been one of deceit and lies. They will unravel. There is much more to come.

Mr Venning interjecting:

Ms RANKINE: No it's not. I agree with the member for Chaffey. The South Australian community deserved a better deal. It also deserved a better Government. Our position has been, is and will remain: no sale, no lease.

Ms THOMPSON: I also rise to record how sad I am about the passing into foreign hands of the State's largest asset. It is not just a matter of this asset passing into private hands but a vote of no confidence in the people of South Australia. It is saying to people of South Australia, 'You cannot run your biggest asset. You cannot demand accountability in relation to the running of your biggest asset, and you don't deserve to be shareholders in any asset.' Those people who battle from day to day and have no prospect whatever of owning a brewery share, a BHP share or any other sort of share were at least able to feel that they had a stake in the ownership of the State's largest enterprise—ETSA. They have been deprived of their state of ownership in a range of national companies also, and gradually they have become people whose commitment and stake in our State is diminished. They do not feel the pride of ownership. Rather,, they feel that nobody cares much about them and that they are on the margins because they have to sell their labour if they possibly can to enable them to live in a decent way.

Many of them are not able to sell that labour. Losing a stake in the ownership of the State's largest business diminishes them, and they know it. They also know that at least at present they are able to come to their local member of Parliament when they are battling with ETSA and not getting anywhere to get their meter checked. I have recently been able to get a refund on a bill for someone who had not claimed an entitlement to a reduction on their power bill when their wife was dependent on oxygen. They did not know that. We sorted it out, and they got a refund through the Minister. This will no longer be an option to them. They will not be able to come to their local MP to get their bills reviewed. They have already found it difficult to negotiate with a corporatised ETSA to arrange the time payment of bills, a practice which is frequently required.

They are not able to go to Woolworth's to organise time payment of their grocery bill. However, at least ETSA has helped them to manage their budget and iron out some of the peaks and troughs. They cannot expect that from some distant multinational that really is not intent on providing a service to the people of South Australia but is only intent on making a profit. In this time of frequent changes in technology, we also do not know what it is that we are giving away. We are not really informed about what is going to be the most valuable part of our asset, where developments in technology will take us and, if there is any break-up in the sale of the components of ETSA after the sale or lease, we are not sure that we will be able to get the best price for each component. We are doing nothing to reduce the price of electricity to South Australian consumers, whether they be household or industrial consumers.

This is the second most saddening thing for me. Industry development here requires a reduction in the price of electricity. There is nothing about this lease that indicates that this will happen. We are faced here with generating electricity from a pretty poor resource in Leigh Creek brown coal. Fortunately, we also have a gas supply—although it is limited. We are in a nation with the ability to generate cheap electricity through hydro, cheaper coal and who knows what other technologies will exist in the future. We are cutting ourselves off from that. Our ambition should have been to provide cheaper electricity to enable industrial development, but a couple of large users in my electorate will not benefit from the sale of ETSA.

It has been some time since we heard any talk about the intrinsic value of the sale of ETSA. The focus has been on paying off debt. What is happening there? Are we really going to see a significant change to the debt and the interest payments on the debt through the sale of ETSA? We can take all sorts of opinions on that offered by a range of experts, but I choose to believe my former economics lecturer, Emeritus Professor Richard Blandy, whose opinion is that the budget will benefit to the tune of $50 million to $60 million per annum for quite a short period. As my colleague the member for Mitchell points out, that is the maximum. It is important to have that extra $50 million or $60 million available—there is much we can do with it—but it is not the $200 million that has been talked about by members opposite, and it is a very shaky $50 million to $60 million. It has to be set against all the negatives of losing our greatest asset.

The people of South Australia also have to face the prospect of paying for ETSA twice. They have also paid for it once through their electricity bills over many years and through taxation. The people who buy or lease ETSA will have to get a return on their investment, and they will get that return from the prices they charge for electricity. The people of South Australia once again are going to have to pay for the asset that they currently own, and I see no way of escaping that basic fact.

How anyone can think that there will be anything but increases in our power charges, I do not know. As well as problems in relation to the environment and technology development I want to emphasise the accountability issue. I cannot emphasise that enough. We have not demonstrated a track record in writing effective contracts when we have leased out or sold off other assets. Modbury Hospital shows how bad we can be at writing contracts to have our assets run by someone else. The water example shows how bad we can be in enforcing the delivery of the contract that we thought we had written. Other States—notably Western Australia—are actively examining at the moment how they can most effectively ensure accountability in the process of contracting out. But I have not heard one word from members opposite about this. We have been talking a little about the probity procedures in the lease/sale process but we have heard nothing about how we are to ensure that, in five, 10, 15 or 20 years' time, let alone 97 years' time, the people of South Australia will have the electricity supply that they deserve given to them. What will happen if the lights go out at Football Park, as they did at Waverley? Besides the fact that there will be a slight riot, and the Liberals will certainly lose the next election, how can we penalise those who have failed to provide at least the service of lights for our football matches, let alone lights for our domestic consumption, power for our industry—

Mr Foley interjecting:

Ms THOMPSON: —probably—and power for the life support equipment that is important to the many people who these days manage various disabilities in their home and require a secure power supply for survival? I do not want to address the circumstances that have led us to where we are tonight: they are very sad, and I believe that they do not deserve as much attention as they have received, really. Unfortunately, attention was what some people were seeking, but attention is not what they will get from me.

All that remains now is for members on this side to seek, through the processes of the Committee, to at least ensure that the people of South Australia get the absolute maximum return for their asset. They should not be losing it but, if they are to lose it, I will do everything I can to ensure that they get the best possible price for it and that they are able to move on and call the Premier to account for the delivery of the bonanza of gifts that he has promised. We have had to sit here day after day listening to the cargo cult promises that were made by members opposite. They will be noted regularly. The electorate will be reminded regularly and, regularly, unfortunately, I am confident that the electorate will not see the cargo cult delivered, because there is no means of doing so. The debt will not be reduced sufficiently to enable the benefits to proceed, and in its place we will have lost a long-term asset, one that can guide and direct the future development of our State and one that is important to, it seems, just about every South Australian but a few members opposite.

With these sad remarks, I conclude my comments and repeat that I am totally opposed to the sale or lease of ETSA, but I see that it is inevitable, unless a bolt of lightning comes down any minute. So, I will struggle to ensure that the best deal possible is gained for the people of this State and also for the workers of ETSA.

Mr KOUTSANTONIS: I rise today in the shadow of a former Liberal Premier, Mr Tom Playford, and the current failed used car salesman, who could not sell a used car to an Arab sheikh. We have a Premier today who has failed real South Australians. The real villains in this sale are not those pathetic members in the Upper House but members opposite and the current Premier of South Australia. He is the real vandal; he is the real traitor to ordinary South Australians.

At the last election, every South Australian went to the polls voting for a political Party that would not privatise ETSA. Regardless of whether they voted for Liberal, Labor, Democrats, One Nation or any other Party one can think of, not one of those political Parties advocated the sale of ETSA. At the last election this Premier and this Government promised that we were back in the black, that the budget was fine, we were out of the hole, we had lifted the burden of debt and that we did not need to sell ETSA. Then he comes back into this House and says, 'I have just realised this huge risk with the generators and this huge risk with ETSA. If we don't sell ETSA immediately, we'll be putting the people of South Australia at the same risk as they experienced with the State Bank. It would be irresponsible of me to keep ETSA in South Australian hands. I must sell ETSA as fast as I can.' Of course, being the pathetic used car salesman that he is, he could not sell ETSA. He failed in that regard and he has failed as a Premier.

The only person he can convince with his used car sales tactics is Trevor Crothers. Well, what a victory! You have convinced Trevor Crothers and Terry Cameron to lease, not sell—second best option for you. The worst thing about it is that this Premier is prepared to sell South Australians short.

He is not prepared to put all the revenue from the ETSA lease towards debt reduction. We have always heard a lot from members opposite about debt reduction; that we have to get that monkey off our back; and, as soon as we get rid of the debt, we are fine. But what is the first thing he does? The first thing the Premier does is offer nearly a 10 per cent discount to anyone prepared to lease ETSA over four leases each of 24 years. He is prepared to sacrifice $600 million simply through his sleazy used car salesman deal to lease ETSA because he does not have the guts to do the right thing by South Australians.

Then, to make matters worse, he wants to have a slush fund. He has convinced members in another place about his slush fund, but we in this House will not be fooled. You cannot pull the wool over our eyes, Premier. We know why you want to use this slush fund. If you were serious about reducing debt in this State and if you were committed to what you said you wanted to do after you announced your lease or sale of ETSA, you would put every single dollar generated from this lease (which is the same as a sale but at a cheaper price) onto debt. You do not have the courage to do that because you have to buy off backbenchers for the pain you have inflicted on them over the past 18 months of your premiership, following an election you should have won but nearly lost. This Government went to the 1997 election with 36 seats and returned with 23. You are a pathetic Premier; you are the loser of the century.

This does one good thing for us; it guarantees your premiership until the next election and you, my friend, are worth 5 per cent to me, and I do not want you to go anywhere. You are doing a great job for me from just where you are. The people of South Australia have your measure; they know exactly what you are worth.

Mr HAMILTON-SMITH: Mr Acting Chairman, I rise on a point of order. The honourable member is personally abusing the Premier, pointing to him and using his name and it is appropriate that he address his remarks through the Chair.

The ACTING CHAIRMAN (Mr Venning): I advise the honourable member that there is a point of order and ask him to tone down his remarks.

Mr KOUTSANTONIS: I will not tone it down, Sir. There is nothing in Standing Orders with respect to my showing my rage about an inept lease to an inept Premier who broke his promise at the last election. I made a promise at the last election, when I sent out a letter to every one of my potential constituents saying, 'If elected, I will oppose the sale or lease of ETSA.' This Premier did the same. He now comes into this place with his used car salesman smile, saying, 'We need to sell ETSA.' Well, I do not buy it. I do not accept it. You, John, have failed everyone in South Australia.

Members interjecting:

Mr KOUTSANTONIS: Sorry, Mr Chairman, I thought it was a point of order by the member for Unley for calling the Premier 'John'. I apologise for calling you 'John'.

The Hon. G.M. Gunn interjecting:

Mr KOUTSANTONIS: Someone has rattled his chain.

Mr Clarke: Hang on, the bear is awake.

Mr KOUTSANTONIS: The bear is awake. The worst thing about this sleazy deal that the Premier has concocted with members of the Upper House is that it sells South Australians short. This Premier has gone around the country downgrading ETSA, saying that it is unprofitable, a huge risk, talking it down and probably—although I do not have any proof, Mr Chairman—hamstringing ETSA from getting good contracts and stopping it from being able to compete properly. We had the Treasurer saying, 'We'll send out the Rann power bill with Mike Rann's picture on it.' The Treasurer says, 'I have total control over what ETSA does.' However, in relation to tenders for contracts, the Treasurer says, 'I have no say. I have no influence on the board. I can't do anything to the board.' However, when it comes to designing a power bill that is sent to every household, the Treasurer says that he has total control.

You hypocrites! You have misled South Australia, you have misled us and now you are leading South Australia down a path that you will regret at the next election. The beauty of this deal is that it entrenches the current Premier as Leader of the Liberal Party. Well, congratulations, the members for Schubert and Unley: you have guaranteed your boy another two years in the job, but you have also guaranteed us victory at the next election, because the people of South Australia have your measure. The most you can get is about 50 per cent two-PP if you are lucky, because our base is coming up. The people of South Australia do not like you, they do not like your sleazy deals and they do not trust you.

Mr MEIER: I rise on a point of order, Sir: the personal pronoun 'you' is out of order. The honourable member has been here long enough to know that.

The CHAIRMAN: I uphold the point of order.

Mr KOUTSANTONIS: In conclusion, I oppose the sale, lease, whatever you want to call it, of ETSA. I am sure there are Liberals in your Party who oppose it as well. Tom Playford looks down upon you in disgust for what you are doing to his vision for this State. In his maiden speech the member for Playford talked about how Tom Playford would be disgusted with the way the Liberals are behaving today, and I remember the member for Schubert nodding his head, saying, 'Mm; that's probably right.' Some members opposite know that their own constituency do not agree with this sale; 80 per cent of South Australians support us on this, and you know it. While you think this is a win, the win you have now is the same win you had when you outsourced our water resources. You will get a small blip, but then prices will go up, people will realise what you have done to them, and at the next election you will reap the whirlwind. Ye will reap what ye have sown. To the members who sit here with silly looks of contentment on their faces for the victory they have won here tonight, I simply say: you will reap the whirlwind at the next election.

Ms BEDFORD: Our debate tonight is part of democracy, and democracy is a vital and vibrant process. It lives, and not only once every four years. It can be part of each person's daily life, should we choose to make it so. That so few people consider this place relevant enough to follow what happens here more closely is part of the reason why we are facing the lease of ETSA. I will mention one of the factors that have played a part in the lead-up to what we face tonight. When we in the ALP speak of 'the pledge' we speak of a process that is part of democracy and part of the fabric of the Australian way of life. It is what we mean when we say that a man or woman is as good as their word.

It is this promise that makes the ALP strong and united in purpose. This process sees us debate in a democratic way the policies that make our platform or goals. Once a decision is reached, and those decisions are reached by the rule of a majority of votes, then we have a real mandate to pursue those policies, in much the same way as Governments often talk about a mandate when they are elected. Our mandate,

however, is open and there for all to see. For, once the platform and policies are set, then we in the ALP usually work to pursue these policies and keep those promises. That is why people vote for us, and that is why tonight they have no respect for those who do not keep their word.

This is not the first time we have faced this sort of debate, and tonight's debate is about the virtues of privatisation. Public ownership or control of assets does not have to mean incompetence or poor performance; those days have long passed. Privatisation is being used by this Government to transfer debt from one column to another on the State's balance sheet. Figures can be manipulated in many ways; however, one thing is clear: there is little gain, if indeed any, in relinquishing our income stream from ETSA. In fact, we risk a real loss—and for what? We have not seen savings on water and we will not see them on power. This Government does not have a good track record with leases. Scrutiny of leases does not happen before the event, so it is difficult to see whether gains will be made. And we certainly have not seen gains at the Modbury Hospital, for we are still paying off the redundancies and are nowhere near in front from that exercise.

Part of the reason why we have seen five out of six Liberal Government budgets add to the State debt relates in no small way to the savage cuts to the Public Service. I am told that some 12 000 public service jobs have been lost in this Government's time. Financial strategy is different from economic or employment strategy, and we desperately need some sort of focused social strategy to reinvigorate this State. Public investment is part of the growth that will put this State back on track. The Liberal Government has overspent in all but one budget. The lease of ETSA is part of the smoke screen to cover up mismanagement. Unfortunately, this lease will not be the panacea we have been promised.

Mr SNELLING: What saddens me about this entire debate is that it has become an issue not of what is best for this State but of either victory or loss for the Premier. As a result, the Government has had to compromise to such an extent as to considerably compromise the possible sale or lease value of the ETSA assets. The Government is attempting to capitalise a potential income stream over many years, and it may argue that by doing so it is able to pay off a certain amount of debt as to make such an exercise worthwhile. So, over many generations we forgo an income stream in return for paying off a large slab of the State's debt.

But because the Government has become so desperate to achieve this sale, because this has become an issue not of what is best for the State but of what can save the Premier's leadership, such issues have been set aside and the Government has become absolutely compromised, completely willing to take whatever price and to make whatever compromises are necessary in order to save the Premier's leadership. What saddens me is that it will be my children and my children's children who will be paying for this. It is a shabby, nasty political deal with no intent. The interests of South Australians have been cast aside totally in favour of the personal political interests of the Premier. That is what saddens me this evening.

In my maiden speech I made the comment about how the former Premier after whom I am honoured to have my electorate named would be casting a very sad look down on the benches opposite. I am the first to recognise the qualities of Premiers and statesmen who come from Parties of a political philosophy with which I do not agree—perhaps to the surprise of members opposite. But, I am the first to recognise those qualities, and I think Sir Thomas Playford, whose portrait is here amongst us this evening, would be casting a very sad look down upon the benches opposite. I reiterate that this Government has been prepared to compromise everything because it has placed the best interests of the State secondary to the personal political interests of the Premier and that generations of South Australians will be paying for this very costly and grubby exercise.

Ms BREUER: Next week, I have to go back and face the people in my electorate.

The Hon. M.K. Brindal interjecting:

Ms BREUER: And I will not be there, thank goodness. I have to face the people in my electorate and say to them that ETSA is not ours for the next 99 years. I am sure that they will be pleased to hear that after 99 years we may be able to get it back.

What does it mean to people in regional South Australia if we get rid of ETSA? As the only country Labor member in this House, I find that a lot of what happens here is totally irrelevant to the people in my electorate—and indeed to most people in country South Australia. I notice that the member for Stuart has woken up: he has been asleep most of the time—apart from when he is chewing his cud. I should have thought the member for Stuart would speak tonight about the benefits to the people in his electorate as a result of the lease of ETSA. However, he probably cannot think of any benefits—as indeed I cannot think of any.

What will it mean to the people in regional South Australia? Probably absolutely nothing. Will we get extra money for our schools and hospitals in country South Australia? No, we will not. We have to struggle to get every cent we can in country South Australia. Will it decrease the ratio of patients to doctors in regional South Australia? Our GPs work with thousands of patients, not 300 or 400 patients as they do in Adelaide. Will it decrease that ratio? No, it will make absolutely no difference. Will it attract professionals to our areas? No, it will not do so: it will make absolutely no difference to our areas in attracting people there. Will it reduce employment in our areas—

The Hon. M.K. Brindal interjecting:

Ms BREUER: The Minister for Employment has just spoken up. What will it do for unemployment in our areas? Absolutely nothing. In fact, it will probably increase unemployment in our areas because of a further reduction in the work force. We know that whoever takes over ETSA will want to make more money. We know it has been reduced to rock bottom levels now, but they will still reduce the work force even further—and one or two jobs in a country town is a lot to that community. One or two jobs do not make a lot of difference in Adelaide, but it makes a lot of difference in a small country town.

Will we get better service as a result of the lease of ETSA? No, because it is absolutely rock bottom now. If members talk to any person at a country ETSA depot, they will tell you that maintenance is down, their service is down, they have lost staff, their equipment is outdated and nothing works. Will that improve? No, these people will not spend more money on this. I ask the Premier: will Whyalla get its power station? No, we will not get our power station. It will make no difference because Whyalla is in the seat of Giles, which is pretty much a safe Labor seat and we do not count. We were not even considered in the initial discussions about the power station. They were directed to build the station at Pelican Point and we did not get a say. Will this make any difference to us there? No, it will make absolutely no difference to us.

In fact, what will happen to us in regional South Australia is what happened when our water was privatised: our electricity costs will go up. Up in Coober Pedy it will not make much difference because their power is provided by the council and it costs them some incredible amount, as it does for water. They pay $5 a kilolitre for water. We were told when water was privatised that there would be standard water prices in South Australia. How many people here would pay $5 a kilolitre for their water?

What about the slush fund? It has been put to me that I would appreciate the $150 million that is to go into the slush fund because it will go towards the Alice Springs-Darwin railway, and surely we want that in Whyalla and regional South Australia. We would very much love that, particularly in Whyalla, because we want to sell our steel so that it can be used to build that railway. Will that make any difference? Of course it will not.

That money will not go to the railway and, even if they put the whole $150 million on it, that would not build the railway between Alice Springs and Darwin. It is just a joke! Given the quotes for what that railway will cost, it is just a pinprick. It is rubbish. The lease of ETSA will be totally irrelevant to the people of regional South Australia, and I can go back to them and say that it will not make any difference to them except that their electricity costs will probably go up.

We on this side of the Committee are totally opposed to the sale or lease of ETSA. I can go back to my electorate and look my electors in the eye and say, 'Yes, the Government got rid of it but we opposed it totally.' As for those former Labor members in the Upper House, a lot of country Labor members will ask me what happened and whether this is endemic of what is wrong with the Labor Party. They will want to know whether this is the start and whether we are all going to cross the floor. They will ask whether this is what the Labor Party is all about now, when members are crossing the floor, but I can still look them straight in the eye and say, 'No, it is not.'

What has happened here today has made us all aware of what it means to be part of the Labor Party and our total opposition to privatisation in such an area. Those two former Labor members sicken and disgust me. The first one who crossed the floor was seeking attention at the time, and I think that he still seeks as much attention as he can possibly get, and that is what it is all about. He found out that he was not getting enough attention so he pulled in his mate of many years, sucked him in and convinced him.

Last week I felt a bit sorry for Trevor Crothers. I thought, 'That poor man. What has happened to him? Why has he crossed the floor? How has he been persuaded to turn his back on his beliefs of a lifetime, his belief in the Labor Party and what it stands for? Is he senile? What is going on?' I felt a bit sorry for him and I nearly went and spoke to him and said, 'Trevor, I do not know why you did it and I am really sorry you did.' Thank goodness I did not, because since then I have felt disgusted.

Last night I went into the other place to watch, and I listened to the honourable member. I watched him smile across the floor, and I watched the other member go across the Chamber and talk and giggle with the Treasurer about the biggest decision in South Australia's recent history. They were laughing about what they were doing, and that totally disgusted me. When you join the Labor Party, when you become a member of Parliament for the Labor Party, you swear allegiance to that Party. You go along to Caucus meetings, you listen to what is being said and, if you do not agree with that, you say your bit. You argue in Caucus. You do not come into this Chamber and cross the floor without saying a word in any of those Caucus meetings.

I can confidently look at Labor Party members and talk to people in my electorate and say, 'This is my decision. I knew this when I joined the Labor Party. I may not agree with everything it does but, if it is a Caucus decision, if it is a decision by the majority, I will follow that. I will not cross the floor.' I am very comfortable with that decision.

If I ever crossed the floor, the first thing I would do is resign from the Party and the next thing I would do is resign from Parliament, because that is what it is all about. These people were elected as Labor Party members in the Upper House. They have now dropped out and they should get out and let true Labor Party members get in there.

The media is saying that perhaps the Labor Party should be reconsidering its stand on this. There is no way we will reconsider. We know that and that is what creates solidarity in this Party and keeps us together. I am very comfortable about my opposition to the sale of ETSA—

Mr Conlon interjecting:

The CHAIRMAN: Order!

Mr Conlon: Never had a past; doesn't have a future.

The CHAIRMAN: Order! The member for Giles has the floor.

Ms BREUER: I look across at so many country members, particular the Premier. He is a country boy: he comes from the same stock that I come from. How can he do this? How can he go out and face his electors and say to them, 'I am comfortable with this decision; it will make a lot of difference for us in the bush.' That is absolute rubbish. I totally oppose this lease and I wish some members opposite would get off their backsides, think about what they are doing and do the same thing.

Ms WHITE: The Leader has put Labor's case quite well, as have a number of other speakers, so I will not detain the House for long, but I have a couple of comments to make. For Labor, this is a sad day. We mark the passing today of the State's largest asset into private hands. It follows another sad day for Labor. Last Thursday most of my other Labor colleagues and I witnessed a former comrade take those steps across the Legislative Council floor to vote with the Government and to remove himself—

Mr Scalzi interjecting:

Ms WHITE: —will the little tinkle be quiet for a second?—from our ranks, following in the footsteps of another former Labor colleague. What concerns me most at this point, knowing now that Labor has lost the battle and that we will get a long-term lease of our electricity assets—effectively a sale, a privatisation—is that we cannot have faith in this Government's ability to do the best, even within the context of a lease, for the people of South Australia. What faith can we have in a Government that can mess up so badly a water contract worth a fraction of the cost of this deal, that can mess up so badly, even on the goals it has set, so few years down the track, with the water contract?

Members interjecting:

Ms WHITE: Motorola—there are countless examples. What faith can we have in a Government which in its last budget increased outlays by about $450 million yet could not even manage to increase the budget to education and health? It can blow out its budget to the tune of $450 million on wastage, on blow-outs for the Government radio network contract, on consultants' fees, on publicity and on all the other wastage, yet at the same time it cuts back on some of

the most important public services for South Australians. What faith can we have in this Government? That is my concern. The case for this privatisation has not been proven; the Government's figures are wobbly. Its arguments for the need to do this have been all over the place. First, it was to pay off debt:all the money would be paid off our debt. Then it was to provide schools, hospitals and all the rest. It was willing to throw away $1 billion instead of retiring debt. Then came the threats—the ETSA tax.

Mr Koutsantonis: Blackmail!

Ms WHITE: Blackmail, on top of all the taxes that will hit us in this current budget. What has not been talked about much at all is what I think most South Australians care about. The majority of South Australians want to keep most of our electricity assets in public hands—not all of them, but most of them. The one thing that every South Australian is concerned about is the price of electricity, and what will happen to the price of that most important item under this deal? It will increase. That is the real pity about the deal that this Liberal Government has struck.

Having lost the battle over the sale or lease of ETSA, Labor will oppose every single one of the 30 amendments before us. Having lost that battle, Labor has two things on its agenda. First, it cannot allow this Government to downgrade the benefit to the State from the lease by getting away with its slush fund. All moneys from this sale—and it is effectively a sale—must go off the debt.

The second thing is the con that this Government is trying to perpetrate. This Government is willing to downgrade the amount of money it gets from this lease by 10 per cent, say, $600 million, in order to perform a political stunt so that at the next election—and this is what it is all about—it can muddy the waters, instead of ensuring the proper result. But, if Labor has anything to do with it and any strength at all in this matter, there will be one issue at the next election: members opposite sold our electricity asset; members on this side opposed it 100 per cent of the way. The people will judge, and they will judge you harshly.

Mr FOLEY: I will speak briefly. It is my intention to speak a number of times tonight on some amendments, but it is important to follow with a few words in this very important first section where we are considering *en bloc* 30 amendments which the Opposition will oppose. The Premier has had a victory of sorts in recent days in this Parliament. For that, there is obvious acknowledgment. But it will be for the Premier to explain to the voters of South Australia how he has arrived at this vote in the Parliament; how he deceived the people at the last State election; how he has used deception; how he has blackmailed South Australians; how he threatened them with taxes; how he bullied the Parliament as he went about ensuring that his battle was won.

It will be our role as an Opposition to ensure that we knock on every door, in every street, in every electorate—be it Hartley or wherever—and remind the voters of South Australia exactly where this Liberal Government sat when it came to the issue of electricity at the last election. But, on the way through, with the Premier doing what he could to get results, he has oversold the benefits of ETSA, and for that there is no denial. The Premier of this State needs to get his feet on the ground and get some reality back into what this decision means. We have seen the nonsense over the last 12 months: $2 million a day, 200 new schools, 15 000 child-care places—all the rhetoric as the Premier has tried to convince the people of South Australia of the necessity to sell ETSA. It was a strategy flawed throughout, right from the beginning, and one that resulted in a victory of sorts, but one that he and his Party will have to explain at the next election.

A number of issues need to be teased out in all of this. There are issues concerning the financial impact of cross border leases, the issue of the 'slush fund', the issue referred to quite rightly by my colleague the member for Taylor and also by my colleague the shadow Minister for Finance in another place as the 'mongrel lease', the gimmick and the trickery about coming back to Parliament to reaffirm it, a decision that potentially could cost up to 10 per cent of the value, involving many hundreds of millions of dollars. I will say more about that when the amendments are moved shortly.

In concluding this opening address, I want to say that like many members opposite—not many on this side, because most of them were not here at that time—those of my colleagues who were here would recall vividly, as I do, this Government's handling of major contracts. First, there was the EDS contract and the drama that surrounded the way in which that contract was negotiated. Then there was the Modbury Hospital contract. Over the past four years my colleague the member for Elizabeth has been attempting to deal with the absolute mess that contract has turned out to be.

I watched closely the handling of one contract in this State which concerned me the most and which concerns many who are close to this electricity deal at present, and that is, of course, the outsourcing and privatisation of the management of our State's water system. Never in this State's history has a contract of such magnitude been let; never in this State's history has a contract been so ineptly handled by Government; no contract in this State's history has been surrounded by more controversy; and no other contract in this State's history has the doubts that surrounded it remaining to this very day.

This Premier was the Minister who handled that contract, and he is the Premier in whom we have to have faith to get this contract right. That does not fill me with confidence. I dearly hope that members opposite have learnt from their repeated mistakes how to handle the management of a contract.

Let us not forget what occurred during the dying days of that contract. It is always important for purposes of public accountability to understand what took place. After 12 to 18 months of bidding and $7 million or $8 million being spent by each of the three bidders, at the closing of those bids what happened? Two bids arrived on time—from memory I think it was at 5 o'clock on a Friday night. I could be wrong but it was about that time. One bid arrived almost three hours late. That bid was a neat 1 per cent (or thereabouts) cheaper than the other two bids.

What also occurred during that process? The winning bid was over three hours late, and officers of SA Water could not contain their excitement: they opened up the other two bids and distributed them to tens of people in SA Water who were unauthorised to have access to those documents. The winning bid had not even arrived when that took place. What else occurred on that shameful night? In the secure room where these bids were lodged, the video camera that taped every movement ran out of tape two hours before the first two bids were lodged. So, there was no record of what took place during those two hours.

The probity auditor, whose role it is to ensure that proper probity takes place, knocked off and went home at 6 o'clock, and the most senior SA Water project officer who was managing the process went home for tea and did not come back. That is the sorry history—and there is much more that

I could go into concerning the fears of the other bidders and what was, without doubt, the most shameful contracting out experience in which any State Government of South Australia has been involved.

I draw attention to these facts simply to highlight the significance of what we are dealing with here. This is a Government that has repeatedly demonstrated its inability to manage major contracts. I hope that the Premier has the people with the expertise and skill to negotiate this State's largest asset sale, because the people of this State simply will not forgive him for his deception at the last election. If he gets this horribly wrong, the Liberal Party will have to live with that for many years and the people of South Australia will live to regret this very distressing period when the Liberal Party simply could not be open and honest with the people when it went to the last State election.

There is much more to come. The Opposition will oppose these first 30 amendments and will move to do what it can to improve what clearly is a very poor outcome in terms of what has arrived here from another place. We will do what we can to ensure that the slush fund does not survive, that the Liberal Party stunt, gimmick, trickery and deception does not happen. Hopefully, out of that we can at least begin to ensure that proper process is followed and that the Government is accountable so that the people of this State at least get a return on the asset that they have built up over 50 years.

The Hon. J.W. OLSEN: When you do not have substance, content or depth in your rebuttal, you resort to personal abuse. We have seen that from the member for Peake this evening. In my time here I have not witnessed or listened to a more personal diatribe than from the member for Peake this evening. The honourable member might reflect upon the *Hansard* record in the cool light of tomorrow. My other point is that I have not heard in this place before the amount of bile dished out by the Labor Party to people who in all conscience have taken a position in the interests of South Australia.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.W. OLSEN: The two members of the Upper House, the Hon. Terry Cameron and Trevor Crothers, have made a decision in relation to which, for generations to come, every South Australians will owe them far more than they know and far more than the Opposition—

Mr Conlon: You laughed at him.

The Hon. J.W. OLSEN: —I most certainly did not—is prepared to acknowledge. The two men have made possible the passage of this vital legislation. The legislation before the Parliament is, as many have described, historic, significant legislation. Some have said that we have got rid of this magnificent asset. What they on the other side of the House forget is that they mortgaged the asset to the hilt. We do not own the asset, because you mortgaged it. We have a $7.5 billion debt that is equal to or far more than the value of the asset. We all know full well that, when you mortgage beyond the asset value, you are in strife and you have to take some corrective action. So, let us get rid of this nonsense about the asset. The Labor Party in Government mortgaged away our asset.

My other point relates to the reference that has been made to Norm Foster. On the previous occasion a Labor Party member resigned he was vilified in the same way as have Terry Cameron and Trevor Crothers. The Labor Party skulked back years later, begging him to come back to the Party. It was recognised—and the member for Giles should well understand this—that had it not been for Norm Foster exercising his conscience we would not have Olympic Dam, Western Mining Corporation, thousands of jobs in the north and royalties flowing into the State of South Australia.

What has got the Labor Party upset is this written pledge. When you become a Labor member of Parliament, you sign away your individual rights. You sign away your rights to represent your electorate. As a number of people have said, 'I thought that is what members of Parliament were elected for: to represent the people—not toe the Party line come hell or high water, despite one's personal view.'

On behalf of all South Australians I place on the parliamentary record my recognition of the courage of the two members of the Upper House. The member for Norwood, who hardly ever makes a contribution in this place, can sit in somebody else's seat and interject if she likes. But it must have been gut wrenching for those two members to walk away from their Party, from 44 years of service and the union movement.

How do members opposite think the Hon. Trevor Crothers felt when he wrenched away from his Party to make that move and his so-called 14 steps across the Chamber? Those two men put the interests of South Australia and the prospects of South Australian families before themselves, their own wellbeing and their own families. The diatribe from members opposite in this House is an indication of how they are treating those two men and their families—and members opposite make no secret of it. How can the very people who talk to me about compassion and understanding for others stand in here and vilify those men and walk away from them at the lift? How can they interact with those two men and their families? Members opposite ought to be ashamed of themselves in a democracy—

Members interjecting:

The CHAIRMAN: Order! The member for Peake is out of his seat.

The Hon. J.W. OLSEN: What it took for those men to cross the floor is a type of political courage that almost defies description. What is being demonstrated—

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.W. OLSEN: What, Mr Chairman—

Mr FOLEY: I rise on a point of order, Sir. For the Premier to talk about vilification—

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

Mr FOLEY: —after what he did to Dean Brown is a disgrace.

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

The Hon. J.W. OLSEN: I listened in silence to a long number of speeches and contributions from members opposite, and I would hope the member for Hart would show the same courtesy to members on this side of the House.

Mr Foley: Just tone it down a bit.

The Hon. J.W. OLSEN: Well, it is obvious that those opposite do not like a semblance of truth being thrown back across the Chamber. Those two Labor stalwarts have shown that what we have been arguing for for 18 months has principle and merit. Why else would they have taken the initiative that they did? As the member for Hartley has said to me, it is not a long-term lease; rather, this is a long-term release of a burden of debt for our children in the future.

The Leader of the Opposition in his contribution made some claim about international money coming into South Australia, as if that was something bad and foreign. I ask the Leader of the Opposition whether he wants to tell Mitsubishi

to go home? Does he want to tell General Motors to go home? Does he want Orlando Wyndham to take back its French dollars? I bet he does not. Or does the Leader want to tell Bridgestone in his electorate that it ought to go home? Members opposite are absolutely hypocritical when it comes to international investment and jobs in this State—absolutely hypocritical. If Opposition members believe that we should not have international money, then stand outside General Motors, Bridgestone, Britax, Solar Optical and Orlando Wyndham and tell them to send all their international money back overseas. Opposition members are inane in their contributions.

An honourable member interjecting:

The Hon. J.W. OLSEN: Well, your Leader did.

Mr Lewis: Why did they borrow from the Belgium dentist at Bankcard rates?

The Hon. J.W. OLSEN: And mortgaged all our assets. Our assets have no value because the Labor Party mortgaged them. The Leader of the Opposition also said that our only policy is debt reduction. At least we have a policy for debt reduction, in contrast to the Hon. Mr Holloway, who said, when challenged about what he would do, 'Why don't you run up the deficit?'

The CHAIRMAN: Order! There is a point of order.

Mr FOLEY: Sir, it is inappropriate for the Premier to be reading from *Hansard* from another place in this session.

The CHAIRMAN: I uphold the point of order.

The Hon. J.W. OLSEN: I acknowledge that I should not have read from the *Hansard*. The Hon. Mr Holloway, the shadow Minister for Finance's solution to the problem is 'run up more debt'. That is what he said, 'Run up more debt.' We have policies on food, the automotive industry, debt reduction, drugs, wine to 2025, aquaculture, defence teaming and regional development. That is just a brief sample of the range of policies that we have in place.

This legislation will create the economic break that South Australia so desperately needs. Without the courage of the two men in the Upper House, former Labor Party members, we were doomed to go forward crippled with high debt and high interest rate payments into a competitive national electricity market—a market beset with financial risk and a State-owned power company, and it would have been a sure recipe for further financial disaster.

These are the people who have made a contribution in this debate and who presided over this State's worst financial institution collapse. Yet you have the hide, the temerity and the front to suggest that our debt reduction strategy, supported by two of your own, is something other than a recipe for rebuilding the economy of South Australia. We know that you had a big debate and some trouble in Caucus today about what you are doing tonight in some of your amendments. It is well known what happened today in your Caucus. So, as it relates to the two who have left, you still have troubles. That is up to you. The reason for it is that you had no policies, no consideration and no conscience in what you did to South Australia, and you are not prepared to be part of the solution to fixing South Australia for the future.

What Terry Cameron and Trevor Crothers have done first up is to make sure that from 1 July $100 million will stay in the pay packets of families in this State. That is the first benefit—$100 million will remain in the pay packets and the household budgets of South Australians. To the member for Norwood and others who have a social conscience, is that not a good positive step forward for these people? If you profess to represent the people in the lower socioeconomic groups and champion their cause, there is $100 million, starting up, staying in their pay packets and household budgets as a result of Terry Cameron and Trevor Crothers.

If you ask any of those families about keeping the $186 in their pay packet and in their household budget, I know what they will say to Terry Cameron and Trevor Crothers, and it is the opposite to what members opposite are saying to them right now. These two gentlemen, on a matter of principle, have been prepared to put the State's interests first. It took two Labor Party stalwarts to walk away from their past and their history. As gut wrenching as that must have been, I acknowledge their courage, commitment and determination to put South Australia ahead of a signature on a piece of paper to the Australian Labor Party. As time goes by, it might be as it was with Normie Foster and they will be recognised for the courage and the commitment that they have shown to this State.

Mr LEWIS: I do not have much to say, but a little. What I would say, if I were to take longer, would probably be to repeat much of what the Premier has just said. However, and more particularly, members of the Labor Party should not need to be reminded—though it is obvious that they do—that they have used the device of raising funds overseas to finance State budgets in many different ways over the years and would continue to do so were they to be elected. You see, there is a day of reckoning.

What Don Dunstan had to say about debt was not valid. Sooner or later it has to be paid. It is not moral to borrow money knowing that you have no intention of repaying it yourself and simply visiting that debt on the heads of the children who at that time may be youngsters even before school or in school or, more importantly and worse, children not even born and require them to repay it some time in the future. That is not moral. That is called plundering the next generation's efforts. By using the money obtained in the way in which it has been obtained for nothing more or less than recurrent expenditure is self-indulgence in the extreme. That is like running up a debt and expecting your children and their children to pay it off. It is wrong.

If you were using the money to create a better tomorrow for them which was sustainable financially, then there could be and is a justifiable argument for doing so. However, as it stands, the important point to be made in this debate is that we will restore the State's credit rating to AAA at the earliest possible opportunity and thereby sandbag ourselves against escalating interest rates as we come out of this low interest, low inflation part of the cycle, which will probably be sustained across the world for a longer period than at any point in human history. So, I do not know when that will be but, as sure as the sun rises tomorrow, low interest rates and low inflation will come to an end.

People who have the mindset of the Labor Party, wherever they may be in power around the world, however, will accelerate the rate at which that phenomenon that we enjoy at present comes to an end. Our job is now, while interest rates are down, to retire debt as quickly as possible and as much of it as possible and restore high credit ratings so that we can keep our interest rates down. We will be seen to be an economy of low risk. The risk for investors is that, where money is invested here, it will not be plundered with high taxes to meet higher interest charges on public debt—that is, Government debt.

Once interest rates start to rise, you either have to put up taxes to meet those interest charges on your debt or you cut services. In all fairness, members opposite ought to be saying

which roads they are not going to repair, which schools they are going to close, how many teachers they are going to sack, what hospitals they are prepared to do without and what elective surgery they will simply ban, because that will be the consequence of not retiring our debt and getting our credit rating as high as possible. I think they understand that and the wider public ought to understand it, too.

The points I wish to make in addition to that are that in 1994 we changed the structure and the law as it relates to the activities of ETSA, as it was then known, by introducing and passing the Electricity Corporations Act. As part of the provisions of that legislation, whereas before that legislation had been passed ETSA had the power in law under its indenture to mine coal and only coal at Leigh Creek, in 1994 we gave ETSA not only the right to mine coal under section 48 of that legislation but also the right to mine other things at Leigh Creek, such as they may be. We called it the South Australian Generation Corporation and that has been broken up, part of it being Optima, which now owns Leigh Creek. It will be up for long-term lease—

Mr Foley: It is Flinders Power.

Mr LEWIS: I am reminded by the member for Hart that it is Flinders Power that owns Leigh Creek. However, predating the introduction of the legislation in 1994 is an exploration licence application made by a company called Central Australian Oil Shale over the entire area of Leigh Creek, not for the coal but for the oil shale and other minerals that occur in that vicinity where, many geologists say, the coal seam forms a cover on the basin of an ancient series of craters. That seam is covered by sediment.

The most important aspect of it is that the coal in the bottom of the basin, at the bottom of the lake as it used to be, is the richest and densest coal, highest in energy, and it is a kilometre or so deep. It is covered by shale with a few bands of siderite, that is, heavy ironstones that were leached into it over the millions of years that those craters or lakes have been filled in by the sediments that have run in there. They are impregnated with and are full of kerogens: they are hydrocarbons.

In this instance, the hydrocarbons are of much lighter fractions than those found in any other similar shales elsewhere in the world that have been documented. I make this point in defence of the claim which belongs to Central Australian Oil Shale because it predates the change in the law. Yet they have been denied their right to exploit that shale, and I think that that is a shame on us, as members of Parliament, for not doing something about it earlier. I trust that, notwithstanding the possibility that they may forgo their claim, whatever interest buys Flinders Power will be able to develop that. Up to this point, if not in law, then at least morally, we have an obligation to respect their claim, because they were the people who set about attempting to evaluate the oil shale that is present there.

Let me make it plain to the House now, lest someone starts some rumour tomorrow morning—or in the next 10 minutes: I have no interest in Central Australian Oil Shale Ltd. I am promised no interest, none of my family is interested or has any financial interest in Central Australian Oil Shale, nor have they been promised and nor would I accept any. I say this out of a sense of fairness to the people who have been involved. We changed those provisions again (we bedded them down, at least) in the Electricity Corporations (Restructuring and Disposal) Bill, which we are now debating. That Bill was last dealt with in this Chamber in July last year, and the Government has been trying to have it dealt with in the other place all that time up until now.

There are other aspects of the provisions of the legislation in total that are buried away in the clauses in which other members may have an interest, such as the concerns about superannuation for employees, and the like. However, I think I will leave those and simply make my point, as I have, that this problem—the problem this Government reluctantly seeks to address—is not a problem of this Government's creation: it is a problem that we inherited and it is a problem that has to be dealt with before any of us can go any further.

My last remark is this—and I want it to remain in the minds of all members in the Chamber including, and particularly, members opposite. The legislative process—indeed, the parliamentary process—would be better served in this society if we adopted the same constitutional provisions as apply in Germany, in the constitution that it adopted after the Second World War, to prevent ever again any Party doing what the Nazi Party did in Germany. The relevant provision (bedded down in law) in their Constitution bans political Parties from ever requiring a member elected to any of the Parliaments in the provinces or nationally (the Bundestag) to be compelled to vote along Party lines.

It would better serve the institution of Parliament in this country if we did likewise, because it means that, when a member signs a pledge such as that to which members opposite have referred, and indeed to which the Premier has referred, because of the gut wrenching consequences for those of the Labor Party who broke it, they have said that it is something extremely valuable. I have news for them: it is not. It is a pox on the process. It is the worst possible thing that could be done, because it destroys the capacity of the individuals to have to accept responsibility for the way in which they vote. They have to be accountable for what they have decided, the way in which they have gone about their representative work and, indeed, for the consequences on society. It enables the Party—whichever Party that may be—to endorse hacks, halfwits, and whatever else it is that they can find, who will be so limited in their intellectual capacity and so constrained in their understanding of what real morality is about that they will never think they are doing anything wrong when they accept that constraint. That is sad, because Germany has gone further and faster than we have, and a good many other countries are better served than we are because they, likewise, do not accept the right of a Party to dictate to its members in the Parliament how they will vote.

The Committee divided on the motion:

AYES (23)

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

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O. (teller)

NOES (cont.)

Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

The CHAIRMAN: Order! There being 23 Ayes and 23 Noes, I give my casting vote in favour of the Ayes.

Motion thus carried.

The Hon. M.R. BUCKBY: I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

Amendment No. 31:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendment No. 31 be agreed to.

Mr FOLEY: I move:

That the House of Assembly agree to Legislative Council's amendment No. 31 with the following amendments:

—Leave out subclauses (1) and (2) and insert:

(1) The Crown, an instrumentality of the Crown or a statutory corporation must not sell or transfer prescribed electricity assets.

(2) If a prescribed company or a subsidiary of a prescribed company owns prescribed electricity assets, shares in the prescribed company—

(a) must not be issued; or

(b) if owned by an instrumentality of the Crown or a statutory corporation—must not be sold or transferred.

—Leave out subclauses (4) and (5).

—Leave out from paragraph (a) of subclause (6) ', or interests or rights under a lease in respect of prescribed electricity assets,'.

—Leave out paragraph (b) of subclause (6).

—Leave out subclauses (7), (8), (9) and (10) and insert:

(7) The Minister must cause a copy of each relevant long term lease, and a prescribed report relating to the lease, to be laid before each House of Parliament—

(a) not later than 14 sitting days after the end of two years from the date on which the first relevant long term lease was made; or

(b) if, before the end of the period referred to in paragraph (a), sale/lease agreements have been made providing for the disposal of all prescribed electricity assets of or available to an electricity corporation, State-owned company, Minister or any instrumentality of the Crown or statutory corporation (whether by the granting of a lease or the disposal of shares)—not later than 14 sitting days after the date on which the last such sale/lease agreement was made.

—Leave out the definition of 'prescribed report' from subclause (11) and insert:

'prescribed report', in relation to a relevant long term lease, means a report prepared at the request of the Minister—

(a) summarising the principal features of the lease and any related sale/lease agreement or other transaction; and

(b) stating, in present value terms, the total amount paid or to be paid to the State under or in connection with the lease and any related sale/lease agreement or other transaction;

'relevant lease' means—

(a) a lease granted by a sale/lease agreement; or

(b) a lease granted by a transfer order the lessee under which is a company that has been acquired by a purchaser under a sale/lease agreement;

'relevant long term lease' means a relevant lease that confers a right to the use or possession of the assets for a term extending to a time, or commencing, more than 25 years after the making of the lease;

The Opposition has framed an amendment that will address the issue that I alluded to in my earlier contribution, as did the Leader of the Opposition and others, and that is the very expensive and costly gimmick, the Liberal Party trickery that is contained within this legislation, that is, the lease structure. More concerning is this notion that after the next election a Parliament will vote to authorise these leases and, if that does not occur, certain moneys will have to be paid back. It is important at this point to understand the nature of this lease. My colleague the shadow Minister for Finance described it last night as a mongrel lease.

An honourable member: What's a mongrel?

Mr FOLEY: It's a bit emotive for me; I'm not prone to using such words. It is clearly a nonsense lease. It is a lease that can only mean less money to the taxpayer when this asset is leased, and it is a complex structure that will only result in the taxpayers of this State losing many hundreds of millions of dollars. The expectation is that as much as $600 million is at risk; and that this Government, this Premier and this Treasurer are prepared to spend and lose $600 million to play a bit of political trickery. This is the Premier's $600 million political stunt to play politics with ETSA. And you talk about financial credibility and financial responsibility: hang your heads in shame!

The Labor Party and, I would hope, the Independent members of this Chamber, will vote with this amendment to ensure that the Premier's $600 million gamble on the value of ETSA will be defeated. Let us understand what this lease is. It is a package of four leases: a 25 year lease initially and then three leases of 24 years; 100 per cent of the value will be paid up front to Treasury; 70 per cent of it will be for the first 25 years and then it will be 30 per cent for the next three lots of 24 years. If a Parliament fails after the next election to authorise those leases, potentially as much as $2 billion, if not more, would be paid back to the company that had a 24 year lease. What a terrible suggestion and what a terrible structure to put into this legislation. And for a Government that talks about financial credibility and responsibility what a joke this is!

We will not let the Premier do it. We will not let the Premier of this State spend $600 million of taxpayers' money on a political stunt, a political gimmick, so that he can have the pleasure of playing politics with the electricity assets of this State. We in the Labor Party are more responsible than this Premier: we will not allow that to occur. This has not been an easy decision for the Labor Party or one that has brought joy to it. It is one of those very hard decisions which political Parties have to make and which Parties that are fit to govern will make—and we made it. Members opposite are not fit to govern, because they proposed it in this legislation. They are not fit to hold government. They are not fit to occupy the Treasury benches if they are prepared to put at risk $600 million of taxpayers' money to play a bit of politics, to have a stunt, to have trickery and to have a gimmick.

I look forward to the Minister who is handling this legislation explaining to this House why his Government was prepared to put together a lease that, in the Treasurer's own words, has never been done anywhere else in the world. It sounds a bit like the water contract: I think that was the first of its type in the world. The EDS contract was the first in the world. The Government's track record of firsts in the world is not good, and to suggest that we have a lease structure that is the first of its type in the world beggars belief. The Treasurer in another place was unable to tell us how the Government arrived at this lease, what the rationale was for it or what perhaps the positives of the lease were. He could

not do so, because there are none. He could not explain it, because there is no explanation. He could not talk about why we are doing this, because there is no adequate answer.

It is a hard thing to do from Opposition, but just occasionally right decisions have to be made and, if this Government cannot do it, we in the Labor Party are prepared to stand up and do it. This is one of these examples, and I simply say that all members should think carefully about this. The member for Unley can chirp away over there, and other members can say what they like, but we are not about to see $600 million wasted. We fought a fight: we did not want this asset to go but we have lost that battle; we acknowledge that. The most responsible thing for us to do is make sure that the best deal is done so that we can get the most value out of this asset and not falsely give hope to people that Governments of the future could in any way resurrect ETSA, renege on the lease and somehow bring this deal back into public ownership.

I say that for one very simple reason, that is, straight after the next election when a vote is taken we will not be voting to take back ETSA at that moment: we will be voting to take back ETSA in 23 years. ETSA will revert back to public ownership in 2023. We are forced to make a decision for governments, as I think one of my colleagues said, six or seven times over into the future. What a nonsensical proposal. What will a company do with a 24 year lease? What will it do at the 12 or 13 year mark? Will it reinvest? Will it maintain the asset? Will it treat that asset as if it is an asset from which it will continue to get value and in which it will continue to reinvest? No. If it knows that the lease has only 24 years to run, it will treat it like a 24 year lease and hand back to the State a run-down asset, an asset which has been allowed to devalue and which will cost the Government of the day many millions of dollars to resurrect.

What do you think a Parliament or a Government would say about us if we were to make a decision in this Parliament that we would hand back ETSA in the shape in which it would be after 23 years, and that we allowed the taxpayer of this State to have made such horrific losses over that period? What thanks would we get? What would they say? They would be absolutely appalled; and to think that this Government, which says that it is a Government of financial responsibility, could suggest such a nonsense, dopey deal, a dopey lease structure, beggars belief. I know there are many members opposite who share my view because they have shared it with me. I think that says so much for it.

But, at the end of the day, we will not allow this to continue. We will move an amendment tonight. We hope the majority of members in this Committee will agree to it. As one of my colleagues said in the Upper House (I think the Hon. Paul Holloway), people will look back on this debate and read the *Hansard*. They will go to that part of the Treasurer's second reading contribution where he started to talk about this lease and they will say, 'What on earth was Treasurer Lucas talking about when he refers to one 25 year lease and three 24 year leases; 70 per cent now; pay back 30 per cent; and reaffirm the contract two years into a 25 year contract for some Government in the future?' This is not the stuff of management books; and this is not stuff that they will be teaching in universities. The only place they will be dealing with this will be over a beer in a pub, joking about the nonsense of then Treasurer Rob Lucas.

If you are left in any doubt about what was really motivating this Government—and if you think I am not right when I say that this Government was prepared to spend $600 million to play a bit of political trickery—let me quote from the Treasurer in another place last year in a previous session.

The Hon. M.K. BRINDAL: I rise on a point of order, Sir. I believe that you previously ruled that quoting from *Hansard* in the Upper House was out of order and I ask you to confirm that ruling.

Mr Foley: Last session, last year.

The CHAIRMAN: Order! I understand that they were public utterances, not quoting particularly from *Hansard*.

Mr FOLEY: Yes. In November last year, the Treasurer said:

> However, it will be a matter for the Parliament of the day. Irrespective of what current members of Parliament might say, I note that the Hon. Mike Rann is saying that he thinks he will do something if there is a Labor Government after the next election. I remind members that Paul Keating as a previous Labor Leader said that the Labor Party would adopt a certain stance in relation to the GST. When the next Labor Leader came along after Paul Keating, Kim Beazley, the opposite happened.

Rob Lucas went on to say this—and this is where the stunts, the trickery and the real plan of this Government are exposed:

> So at the time of the next election—

The CHAIRMAN: Order! Is the member for Hart quoting from *Hansard* from this session or a previous session?

Mr FOLEY: A previous session, Sir. He said:

> So at the time of the next election the people of South Australia will be able to openly debate and discuss whether or not they want to extend the initial 25 year lease by further terms of 24 year leases.

He was saying that the Government wanted to have a debate about the future of ETSA at the next State election. But for what possible economic benefit and for what possible financial benefit? None. It was a political stunt, a political hoax, to deflect some attention from the deception that this Government took to the last election. What was the cost? It was $600 million. It was the Premier of South Australia's $600 million hoax on the people of this State. The Labor Party cannot and will not allow that to occur.

The Hon. M.R. BUCKBY: I support this amendment. The advice that has been given to the Government is that the price discount on a long-term lease, regardless of whether or not it is returned to the Parliament for ratification, would be about 10 per cent. That has been the consistent advice from those in the field, that it would be about a 10 per cent discount over that of a sale. In effect, this amendment removes clauses 4 and 5, and therefore it will not be necessary, as the member for Hart has been saying, for this to return to the Parliament for its support.

We also support in the member for Hart's amendment the provision that a copy of the lease be laid before Parliament. The Government will be completely open and accountable in doing this so that all in the Parliament can peruse and scrutinise the lease and those documents to ensure that proper debate can occur. As I said, we support this amendment. The discount price, regardless of which way it went, we have been advised is about 10 per cent.

Mr HANNA: I support the amendment but I do so only to point out what a con the Government's original plan was for there to be, effectively, a decision on whether or not an option should be taken up on a long-term lease after the next election, with the cloud hanging over the head of any potential investor between now and that time, which would lead to the discount to which the Minister has referred. There is absolutely no economic sense in it. It was commercial nonsense from day one and, if the Minister was being fully candid, he would concede that.

I am glad at least that in the Government's decision to go with this amendment there is a recognition that it is a commercial nonsense and, if we have to sell the lease, the Government will be operating on an economic basis, not a cynical political basis in respect of the exercise of the option. I am not happy about the lease, I am not happy about the option, but at least we have rooted out this ridiculous proposal for a decision on the possible exercise of the option after the next election.

I will also say this about the amendment. It may well be that the Government has agreed to it only because in terms of accountability it does not go far enough. I am led to believe that the Labor Party has moved this amendment only because we can get no greater satisfaction from the members on the crossbenches in terms of accountability. What this should read is that there will be a prescribed report on the lease before the next election, because the crossbenchers have made the point directly or indirectly in their contributions that the public should be able to judge this Government on the decision that it is making with this lease proposal. The only way that the public is effectively going to be able to do that is if they have the benefit of a prescribed report, as defined in the amendments, prior to the next election. If we do not have that—and it looks as though we will not—members of the cross benches and the Government will have to bear the responsibility for lack of accountability.

Mrs Maywald interjecting:

Mr HANNA: Because it is the best we can get.

Mrs MAYWALD: I rise to support this amendment as it is imperative that we get the best possible deal. We need to salvage the best from a bad decision. It would be financial vandalism to reduce the proceeds for political purposes and the amendment as it stands before this amendment serves no purpose other than to politicise the issue and to again put the people of South Australia through the agony we have been through over the past 12 months.

Mr CLARKE: I support all the comments made by the speakers thus far on the amendment moved by the member for Hart, but I am concerned about the enforceability of any lease agreement entered into, in the sense that as regards non-performance or unsatisfactory performance of the lease agreement by the lessee, whoever becomes the lessee can shell out between $5 billion and $7 billion, or whatever the price may be, and obviously will be a very large company. If it can shell out that sort of money, that is equivalent to our entire State budget for one year. If that lessee performs their duty unsatisfactorily it concerns me greatly how this or any future Government will be able to enforce its legal contractual rights. Such a company becoming a lessee with its financial resources will be greater than the State itself and we could end up in a huge legal morass. Even though we might have right on our side, it may take 15 years of litigation at enormous expense to try to bring a company to book because of breaches of the lease agreement entered into.

What assurances, if any, can the Minister give the Committee regarding a lessee that is not able or is unwilling to perform its obligations under its lease agreement? In reality what safeguards do we have that the Government of the day will be able to enforce its legal rights and to have them addressed and enforced swiftly without exorbitant legal costs being visited upon the taxpayers of South Australia? You have not done a very good job to date with respect to the water contract. Almost every major commitment of that contract has been breached and this Government has not sought to bring United Water to book with respect to those breaches of that contract.

The Hon. M.R. BUCKBY: In terms of the condition of the assets, I am advised that a security bond could be placed to ensure that those assets are maintained in the condition in which they would be expected to be maintained by a company. If the company breached conditions of the lease, clauses could be put in that would terminate the lease. We would have to renegotiate with another lessee if serious breaches of that lease occurred and termination provisions were included in the lease.

Ms THOMPSON: In relation to these accountability questions asked by my colleague the member for Ross Smith, I thought I heard the Minister say that a security bond 'could' be placed and that other provisions 'could' be placed in relation to performance, the security bond relating to the condition of the asset. Will the Minister clarify whether it is 'could', 'would', 'will', 'won't'—or just what is the verb?

The Hon. M.R. BUCKBY: Obviously the lease has not yet been drawn up, but we certainly would be looking, to protect as well as we can the assets as they stand. I imagine we would be putting a security bond in place. So we would be doing everything possible within a lease to protect the assets that are there and ensure they are maintained in the condition we would expect them to be.

Mr FOLEY: I have a specific question, and the Minister will need to take advice on this. Do we have people here who can advise us on the cross border lease with Edison Capital? I am happy to wait until the Minister gets somebody, but I have some questions on the cross border lease. Surely you would have people here on that.

The Hon. M.R. BUCKBY: Ask the question and we will see how we go.

Mr FOLEY: I had a long session with Edison recently whilst in the United States. They advised me that they had no contact with the Government prior to the announcement of the intending sale or lease. We have a $1 billion cross border lease, a $1 billion financial transaction where Edison Capital of Southern California—Edison as they are called there—have a lease over our assets which they have leased back to ETSA. That is $1 billion. Without being an expert in these areas, I understand that an obvious financial advantage is gained from the American end of this through their ability to take advantage of a United States tax law, and the important element of that is the sovereign rating or credit rating of South Australia which enables them to get a tax advantage.

I understand that there are a couple of choices. The first is that you renegotiate the cross border lease for the new company which leases our assets, and that it takes over the arrangement. The problem with that is it will more likely have a lower credit rating than the State of South Australia, and I am told by Edison that that will trigger a default, or you simply unwind the whole process. What is the best estimate of the financial cost of unwinding the Edison cross border lease?

The Hon. M.R. BUCKBY: I am advised that discussions will be taking place with companies in the United States. It is our opinion that a lease will be devised that will have the least amount of impact in terms of the possibility to unwind. If the member is asking what would be the total cost to unwind the lease, we do not have an estimate of that particular figure. We would not be looking to enter into a lease that would seek a relatively high chance of that occurring. We would obviously be seeking a lease with whomever it is for it to be a long-term and continuing lease.

Mr FOLEY: I understand that this is not your portfolio, but this is a very important question, because we are talking about the liability of potentially many hundreds of millions of dollars. We have to remember from what I am advised by Edison Capital—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Are you saying it is probably wrong?

The Hon. M.K. Brindal interjecting:

Mr FOLEY: Well, exactly, so don't say anything if you don't know what you're saying!

Mr Conlon: He'd never have anything to say!

Mr FOLEY: That's true. For a cross border lease to be effective from a US tax law point of view, I understand that Edison Capital would have to have a lease with an entity that has a higher credit rating than it does, or it would have to have a very high credit rating, if not commensurate with our credit rating, which is obviously a sovereign credit rating. It is quite likely that, let us say, Texas Utilities or some other corporation that might buy ElectraNet will not have that same credit rating. I am told by Edison Capital that that would void the contract for the leases and that we would be up for a lot of money.

If the Government has not had its discussions with Edison, it had better hurry up because I do not think that that company was in the sort of mood to tolerate anything other than full compensation should this contract become unwound. Edison may well be a bidder for it, and this might be academic, but if it is not we are talking about potentially many hundreds of millions of dollars. The Committee deserves to know as near as possible the estimate that the Government has made and what arrangements have been put in place to deal with this important issue.

The Hon. M.R. BUCKBY: I am advised that there are options available within the Bill that allow the effect of a cross border lease to continue. For instance, one of those options might be a sublease but, as I have said, the advice given to me is that we can keep the effect of that cross border lease in tact.

Mr FOLEY: The Minister is now talking about the sub-sublease concept that was contained in documents leaked to the Labor Party many years ago. Again, it seems to me highly unlikely that we would have a company leasing our ElectraNet assets and sitting with that a further lease with Edison Capital. I do not think that any company that leases our assets would be particularly comfortable with an encumbrance such as a lease with another corporation. This is an issue on which we have been given less than satisfactory information (in Parliament and publicly), and potentially it could have a significant impact on the final bottom line of this deal.

Other members may have some difficulty with this issue—I certainly do—and I think we need to be given some more information. If we cannot get it now, perhaps we can deal with this during Estimates. I intend to pursue this issue. It may mean that I will have to get on the telephone tonight to California to hear first hand from Edison but, as recently as two months ago, Edison was not at all comfortable with the way in which things were unfolding.

The Hon. M.R. BUCKBY: I am advised that ElectraNet already has those leases in terms of transmission available to it. It can operate under those leases now. We are seeking a further analysis and further advice in this whole area. So, I cannot give the member for Hart a definitive answer yet because a further analysis and further consultation is being sought.

Mr HANNA: I want to ask the Minister a question regarding the amendment moved by the member for Hart. As I understand it, the amendment provides for the provision of a prescribed report on a lease which is for more than 25 years. The prescribed report will summarise the principal features of the lease and state the amount that the State will get. I may have missed something in all this, but will such a report which summarises the same matters in respect of the head lease be issued by the Government and brought to Parliament? If so, when will that be done? If that is not the case, why on earth not?

The Hon. M.R. BUCKBY: Any lease that is undertaken through this process has to be laid before Parliament and then, of course, be prescribed in this report. It does not matter what lease the Government undertakes in terms of the leasing of ETSA: a copy of that lease would have to be laid before Parliament and be included in the report.

Mr HANNA: With respect to the timing, in the amendment that has been moved the prescribed report has to be laid before each House of Parliament not later than 14 sitting days after the end of two years from the date on which the first, relevant long-term lease is made. Why on earth could an appropriate report not be brought to this place within, for example, three months from the date on which the lease was made? The Government is spending millions of dollars on consultants. Once you have the lease, surely to goodness you can bring a report to Parliament, show us the lease and explain exactly what the effect of it is.

The Hon. M.R. BUCKBY: The leases that are undertaken will be laid before the Parliament at the end of the entire lease procedure. If you lay your leases on the table as you have agreed to them, basically you are letting people know prior to your negotiating the next lease what were the conditions of a previous lease. That is why all leases will be laid on the table after all the leases are undertaken or signed off and then—

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: No; within the 14 days of those leases being finalised.

Mr CLARKE: Does the Government have any contingency plans in the lease for the public interest? Once it is leased, what will happen if the Government as part of its economic development wants power to be provided in remote areas of the State for tourism development, but the lessee says, 'Well, it is not worth it. We do not intend to do it because it is not profitable as we see it and as far as our shareholders are concerned.'? What, if any, protection will be in the lease where a Government of the day could say in the public interest that a direction should be given to the lessee to ensure that the economic interests of this State are protected?

The Hon. M.R. BUCKBY: Two areas are involved: first, an Industry Regulator will be appointed who will have the authority, for instance, to look at supply to rural customers and to ensure that the supply is maintained and in their best interests. Secondly, an Electricity Supply Industry Planning Council will be established to look at the State's electricity needs. That council would then be able to identify those needs and make recommendations. The other avenue, of course, is to include certain clauses in the lease which require the lessee to maintain certain standards or to comply with Government directions in terms of economic development, or whatever.

Mr CLARKE: The Minister said that there may be clauses in the lease. Okay, at this stage you do not have the

lease but, presumably, the Government has given some consideration to this matter since it has been agitating for it for the past 18 months. What concerns me about the Electricity Supply Industry Planning Council, and all the rest, is that those bodies may well recommend that the lessee should do certain things in terms of providing power in the economic interests of the State. However, the lessee could say, 'Well, what is in it for me? There is no money in it.' Or it could say, 'It is too inconvenient', or whatever.

The Minister is now telling this Committee that, at this stage, the Government is saying that it may or may not seek clauses in any lease agreement whereby the lessee, in certain circumstances, can be directed by the Minister if it is to the economic benefit of the State. Either the lease will include such a clause or it will not and, if it is not to be included, we ought to be told. I think that might be of some interest to people such as the member for MacKillop, because it would be an impossible situation to sign over a 97 year lease and the Government's not being able to direct the lessee to do certain things and to provide power in certain circumstances where it is in the economic interests of the State. Either we will have some say over it or we will not. So, let us know now before we take the final third reading vote.

The Hon. M.R. BUCKBY: The Industry Regulator has the power to set performance standards for the lessee. So the Regulator would say, as I said before, that certain performance standards must be met in rural South Australia and the lessee must comply to those standards. In terms of economic development, the Government would maintain some flexibility. It is not necessary that it be written into a lease, but the Government would maintain the flexibility that it could impose certain conditions in terms of its own agenda regarding economic development.

Mr CLARKE: The Minister's answer does not give me much comfort because he is talking about an Industry Regulator who has certain powers with respect to ensuring that certain performance standards are maintained. However, the Industry Regulator will not be the Government of the State, and it will not be the Government of the State that will hopefully set about working out the long-term future of the State, its economic development and its power needs.

The final part of the Minister's answer clearly indicates to me that this Government does not have any thought of writing into the lease a reserve power for the State Government to direct the lessee to do certain things in the interests of the State's economic development if it sees fit. If it is not in the lease, the Government as the lessor will have no power to direct and, as it is not in the Act or any other pieces of legislation surrounding this lease, if the Minister is not going to put it in the lease, what powers will the Government of the day rely on that currently exist where you give direction to the lessee to do certain things that are in the economic best interests of the State?

The Hon. M.R. BUCKBY: Obviously, if there are economic development potentials within the State that have been recognised by the Government, it is in the interests of the lessee to expand their market. If they can take on an economic development or supply power to an economic development proposal that will be profitable, obviously there are benefits for them because they will sell more electricity.

Mr Clarke: They might say, 'We don't want to spend the money.'

The Hon. M.R. BUCKBY: It could be another Roxby Downs. Again, as I said earlier, the Industry Regulator has the ability to set those service agreements. If in terms of economic development a proposal is put up, a Government can go to tender for that economic development. It does not have to go looking for a developer for that economic development: it is not locked into developing itself. It can still go out and tender to the private industry to develop that economic development.

Mr CONLON: I do not know about this doctrine. Will the Government have common law rights under these lease arrangements against waste by the leaseholder? There is an old doctrine of waste in terms of leasehold property.

The Hon. M.R. BUCKBY: The land and surrounding areas will be controlled by the lease, and a security bond will be in place to ensure that the assets must be maintained in the way in which they were taken over or in a way that is acceptable to the Government in terms of maintenance of their standard. That security bond would protect the Government in terms of any detrimental effects on those assets or ensuring that the lessee must maintain those assets in a fit state.

Mr CONLON: I understand your answer. Do those old common law doctrines of waste apply in addition to statutory protections? As I understand it—and I am dredging up property law that I forgot years ago—old common law rights attach to the owner of the land against the leaseholder, where the leaseholder commits waste. In some circumstances it includes the right to retake the land. Is there any applicability of the doctrine?

The Hon. M.R. BUCKBY: There is no reason why that common law would still not apply, because the Crown is still the owner of the land. We are talking about a lease and not a sale and, therefore, as the Crown remains the owner of the land, those common law issues to which the honourable member is referring should still apply.

Amendments carried; Legislative Council's amendment No. 31 as amended agreed to.

Amendments Nos 32 to 43:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendments Nos 32 to 43 be agreed to.

Motion carried.

Amendment No. 44:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendment No. 44 be agreed to.

Mr WILLIAMS: I move:

That the House of Assembly agree to amendment No. 44 with the following amendments:

—Leave out subparagraph (i) of subclause (1)(e).

—Leave out subclause (1aa).

The amendment that comes from the other place amends clause 15 and seeks to set up a fund of up to $150 million. It identifies certain purposes for that fund. There has been much speculation over recent days about the purposes for which that fund may used.

Mr Clarke: It would be interesting to know the answer.

Mr WILLIAMS: Yes. The proposal to set up a fund does two things. Whenever I have spoken on this matter in or outside the House I have been vehement that all proceeds from any disposal of the electricity assets of South Australia should be put to debt reduction. Earlier we heard the contribution of members, at least on this side, about the legacy that South Australia is suffering, and we heard the Premier's words about how previous Governments had mortgaged these assets. It is erroneous to describe them as assets because, if they were assets, they were very hollow assets. If we

capitalise these assets, the funds should be put to retiring the debt associated with the public sector in South Australia.

Over the past few days I have received considerable support from not only my own electorate but also electorates all around the State for the position I have taken on this matter. The support has been overwhelming; in fact, only one person who has contacted me has said, 'Forget the whole job.' I have had many calls, letters and faxes saying that, if we are disposing of these assets, we should put all the funds towards retirement of debt which, as I said earlier in the debate, will enable us in South Australia to move forward. The problem I have with setting aside this war chest—although I think it is more appropriate to call it a slush fund—even though the principle behind it may be noble, is that it is a strange way to do business.

The Alice Springs-Darwin rail link is mentioned in the Bill, and it is a strange way to do business, when we are dealing with a consortium of companies and other Governments—the Government of the Northern Territory and the Federal Government—to find a funding package to build this railway, that we identify $150 million that we may have ready for contingency. Ever since the Premier first announced, on 17 February this year, the proposal to dispose of these assets, the Premier and the Treasurer have been very reluctant to show their hand in so far as how much they would expect to receive for these assets, because they thought that (as they rightly said) it would put them in a very weak position, when bargaining with prospective buyers or lessees, if we flagged how much we expected to get. The market may, indeed, be willing to pay a bit more, or considerably more. I would suggest that the same thing applies here: when dealing with people in regard to an Alice Springs-Darwin rail link, if we flag the fact that we have all this money sitting back in the war chest, or slush fund, it puts us in a very weak bargaining position. I think it is an absolute nonsense to put away this sort of money and flag the sort of reasons why we might use it.

The other suggested reason for this war chest is for industrial restructuring in South Australia. I know as well as anyone in this place that we in South Australia are precariously poised because of the way in which our economic base is set. We have, over a considerable period, built a manufacturing base which, given the restructuring of the economy over the last period, particularly during the 1980s, has been on a somewhat unsound footing in some areas, and we must be prepared to work through the hard times—and, indeed, I believe that they are almost through, if not already through, those hard times. To flag to various people around the City of Adelaide and around the State of South Australia that we have this slush fund hidden away would mean that various people would merely need to have their accountants draw up a proposal, then come cap in hand to the Government and say that they are in dire straits and are about to close down this division, or whatever, or move offshore, and they will lay off so many workers. That would place extreme pressure on the Government to come forward with funds. So, I think it is a very poor piece of legislation which suggests that this fund is there for a specific purpose which might (and, hopefully will never) be used.

If the Government, indeed, did need to find funds for a worthwhile purpose, I would suggest that it do the honourable thing, come before the Parliament and the people of South Australia and explain the need. It should do the honourable thing and let the people of South Australia know what it intends to do and the reasons why, rather than squirrel away this money. I am absolutely certain that, even though there is a sunset clause in this Bill, before that sunset clause expired this money would be frittered away, and I have grave fears that it will be frittered away not to the best benefit of South Australia.

I have said constantly since 1 July last year, when I first spoke on this matter, that all proceeds should go to debt reduction. I have never wavered from that belief. I expressed earlier my empathy with those two very brave gentlemen in the other place, because I believe that they have done something great for South Australia. But I suggest to them that they have come a long way and it is only a very small step remaining. Trevor Crothers, indeed, has opted for a lease option rather than a sale option. As I said earlier, I think that that is already costing us quite a sum of money, and I am not prepared to set another $150 million aside to be frittered away.

In relation to his comment that the member for MacKillop might blink, I can assure him and the House that I am not about to blink on this particular amendment. I can assure the House that, if this amendment is carried and goes to the other place and is lost and then comes back here, the whole ball game could very well be lost to the Government. I say to Trevor Crothers, 'I will not blink on this.'

The support that I have had from my electorate confirms the position that I have held ever since I first spoke on this matter and I will not change that position now. I commend this amendment to the House. I think it makes it a much better Bill. I think everyone in South Australia will applaud the fact that, if we are to have a disposal of the assets, all proceeds go to debt reduction. I commend the amendment to the Committee.

Mr FOLEY: I second that motion and it is a first for politics today when the shadow Treasurer rises to second a motion from the fiercely Independent member for MacKillop with which the Government is having great trouble. The thing is that the Government is finding that it is very difficult to please five or six Independents in this Parliament. As my colleague the member for Elder said—and I am probably stealing his thunder—'You will have to upset one or two of them.'

Mr Conlon interjecting:

Mr FOLEY: No, if I said what the honourable member said, I would probably be thrown out. The point is that there was always going to be a slush fund. Initially it was to be $1 billion. They figured that $1 billion was a little over the top, but why not see if they could slip in $150 million. A couple of things need to be said. Many members of this Chamber—the members for Waite, Gordon, Taylor, Elder and I—are members of the Economic and Finance Committee, and the members for Waite, Taylor and I are also members of the Industries Development Committee. We have a reference at present inquiring into industry assistance in South Australia. We are grappling with the very real issue of how we are spending our money.

I know that the ears of our advisers from Treasury will prick up because I know what they think about some of these industry development funds. In relation to the growth in money that we are expending on industry development, in 1993 it was about $8 million or $9 million and now it is closer to $39 million to $40 million. So we have seen a four fold increase already in the amount of money that we are allocating to industry assistance. I do not mean to be too critical on the Premier because, at times, he does work hard in trying to attract industry to this State, but the problem is

that, sometimes when he attracts them, they do not stay for long and they cost us a lot of money—*à la* Australis. We are spending a lot more today than we ever have before on industry assistance. I am not sure that the record matches that expenditure. That is the very issue that we are grappling with on the Economic and Finance Committee.

Are we spending this money correctly? I know the member for Waite has some very strong views on this and they are very similar to the ones I am expressing now. I am not saying that the honourable member is critical of the Premier's slush fund at all, but a number of us are concerned about the allocation of money for industry and the potential to misuse it. The notion of putting $150 million aside without any accountability or any reference to the Industries Development Committee and the Economic and Finance Committee is a horrifying thought and a very loose criteria. It is just bizarre.

What I find even more bizarre is this notion that we will have another $100 million available (or more) for the Alice Springs to Darwin railway line. At the end of day, that may well be a decision for Government, but I do not think we should flag to the rest of the country that we have $150 million sitting there just in case the consortium needs it. We already know the consortium needs more and more taxpayers' money to make the project viable. If we hang out an offer for another $150 million, I reckon they might accept it. I did note with the interest that two days before the announcement the Northern Territory Government was saying, 'We are giving consideration to making more money available for the Alice Springs to Darwin railway line.'

The day after this Government's announcement that we have $150 million sitting there just in case, guess what the article read? It was: 'Northern Territory Government decides against giving any more money to the Alice Springs to Darwin railway line.' What more do we have to do? We have got the railway line in our State: we have the line to Alice Springs. We have done our bit. We have already put in $100 million and the Commonwealth is putting in $100 million. Obviously, as the member for Hart I have an obvious bias with shipping out of Port Adelaide, so I had better be careful with what I say. If you want $150 million for your train line and $50 million for an industry assessment fund, that is a decision for Government and your budget process; that is a decision that you make through the normal processes of government. You do not sell an asset, take the cream off the top, whack that into your back pocket and throw it around as you run to the next election. We will not give you the benefit of a $150 million re-election slush fund so that you can squander the hard-earned proceeds of ETSA on your attempts to get back into office. We will not allow you to do that.

Earlier I spoke about the $600 million of taxpayer's money that you were prepared to waste on a political gimmick. We took care of that one, and we will take care of your $150 million re-election slush fund. I urge all members to support the very fine amendment of the member for MacKillop. It is one which the Opposition supports: if you are to sell off assets, take it off debt. For the past five years we have listened to your lectures about the value of asset sales and the need not to fund recurrent expenditure; it is time you lived up to your own words.

Mr CLARKE: Why does the Minister not save us all a lot of time? I have been reading the *Advertiser*, which would have been printed at about 10.30 p.m. yesterday, where on page 3 it states:

> A breakthrough in the deadlock came last night as former Labor MLC Mr Trevor Crothers voted to finally pass the Bill in the Legislative Council. But Mr Crothers was angered when the Bill then returned to the House of Assembly, where Independents and the Opposition voted—

Well, we have not done that yet, but apparently we have—

> to oppose the creation of a $150 million job creation fund from the lease proceeds. This forced the Bill back to the Legislative Council—

they are still waiting around for us to finish this, but this is the *Advertiser* at 10.30 p.m. yesterday—

> where Mr Crothers threatened to reject the entire lease if the fund was excluded. Now the Government is understood to be looking at finding the money from other sources. This would honour a commitment it gave Mr Crothers when wooing him for his crucial vote last week.

I must say that the *Advertiser* is pretty good. Mitch, either you have been a very good salesman for yourself but you have let the cat out of the bag over any deal you have done with the Government, or the Government has already massaged the *Advertiser*—not that the *Advertiser* needs much massaging by this Government. They are one and the same; they are indistinguishable. In fact, if the *Advertiser* and the Murdoch Corporation actually paid their fair share of taxes in this nation instead of 6¢ in the dollar, we might not even have to flog our assets; we would have enough money in our own coffers—but that is another story.

This is really treating Parliament with absolute contempt. You have been caught out, because the *Advertiser* and the Government are so closely entwined in the love bed that the *Advertiser* is already reporting on how this House has voted when we have not done it yet. It has already reported that it is the Hon. Trevor Crothers who blinked—not you, Mitch—for the consumption of the readers of the *Advertiser*. I ask the Minister: has he been caught out because his media minders have been so efficient at forecasting what will happen with respect to this legislation? If he intends to roll over on the matter, could he not have done it a couple of hours ago so that we could have gone to bed that much earlier? Or is this just a perpetuation of the contempt in which he holds the whole parliamentary process?

The CHAIRMAN: The member for Gordon.

Mr CLARKE: I had several questions, Mr Chairman; and if we are hanging around here for a couple of hours we deserve an answer from the Minister.

The CHAIRMAN: Order! The member for Gordon has the call.

Mr McEWEN: This may be a wheel, or it may be a hoop snake (something similar to a wheel). Either way, what we are observing here is nearly a year to do a full turn, because tonight we have arrived back at 23 July last year. On that night two amendments were placed in the original Bill to allow it to go forward to another place. Those two amendments were placed on the record by the member for MacKillop, who said that it will not go forward unless, first, all sale proceeds go to debt and, secondly, that the customer service standard be nothing less than the customer service standard in the year before the sale. So, this hoop snake has just come back to where it started.

The real problem has been this: if you are going to do another deal, do not forget the first deal, because that is where the dilemma has occurred. The first deal was on 23 July last year: any subsequent deals have to respect that deal. What we are now doing is simply returning to where we started.

Mrs MAYWALD: I support the member for MacKillop's amendment. This is another part of salvaging the best of a

bad deal. The amount of $150 million going into a slush fund was never the intent of the Government in the initial policy backflip. It was never part of the Government's initial policy backflip to create slush funds to plug holes in budgets. I think that it is unconscionable of the Government to support this position when, in obtaining the member for MacKillop's support back on 23 July, it supported a position where there would be no spending of the proceeds apart from debt reduction. It concerns me greatly that the Government is now putting the member for MacKillop under pressure to go back on the word that the Government gave him.

I do not believe he will blink. I believe that this is the most appropriate amendment before this Committee, and I think that the Committee should support this amendment as presented by the member for MacKillop. Not a cent of these proceeds should go to anything other than debt reduction. That was the original intent in selling the asset. To go back on it and do horse trading in the Upper House and forget the original deal is not part of the game, and the Government should be aware of that.

The Hon. M.R. BUCKBY: In answer to the member for Ross Smith's question about the report in the *Advertiser*, I am not aware of the *Advertiser's* sources; it was certainly not me, I can assure members of that. However, I will put on record that the Government will not be supporting this amendment. The Hon. Trevor Crothers, when speaking in the other place, indicated that the $150 million he sought would be for job creation, recognising the need for job creation and employment and the protection of workers in South Australia. We have supported that position. However, I recognise the numbers in this Committee and, obviously, recognise that we will not win the day on this one.

Mr CLARKE: Given the Minister's assurance that there has not been a 'done deal'—and it will be interesting to see how the *Advertiser* reconciles its articles with what happens over the next 24 hours—can I take it that there is no other financial commitment that the Minister can give the Hon. Mr Crothers to provide the $150 million if it is not deducted from the lease payments? In other words, if the Minister does not get this clause up and the $150 million provision is lost—eventually he or Trevor Crothers blinks and the Government does not get the $150 million off the lease payments—can the Minister give this Committee an assurance that there is not another $150 million available elsewhere to satisfy Trevor Crothers? If there is, where are you taking the money from? Where are you getting the money from?

The Hon. M.R. BUCKBY: I am not aware of what discussions will take place between the Hon. Trevor Crothers and the Treasurer once these amendments have left this place.

Mr Clarke: Maybe he wrote the story for the *Advertiser*.

The Hon. M.R. BUCKBY: I cannot tell you what the discussions will be; I do not know.

Mr KOUTSANTONIS: I made some remarks earlier about the Premier in my first contribution on the ETSA lease.

Members interjecting:

Mr KOUTSANTONIS: I am young and passionate about the things I say, but I do regret some of the words I used to describe the Premier. I will not repeat my remarks. I am big enough to say that the things I said are not an accurate description of the Premier. I have a lot of passion about the ETSA sale. But, the Premier then proceeded to attack my colleague, the member for Norwood.

An honourable member interjecting:

Mr KOUTSANTONIS: Even now, as I support this amendment, members are interjecting and jeering about the apology I make to the Premier. I stand by the substance of what I said: this Government has no right to lease ETSA. I support this amendment. We have caught the Government out again with a slush fund. We will not let the Government sell off the family silver so that it can be re-elected; it will not use 1¢ of this money to further its own cause. All this money will go to pay off debt. For the Party that has always said that debt reduction is the main goal of this Government, let us see how true to its words it is. Let us see whether it has the courage of its own convictions to vote with us and the Independents to ensure that every cent of the money from the ETSA sale goes towards debt. Every cent that does not go to pay off debt is on its head and it fails the State if it does not vote for this amendment.

Amendment carried; Legislative Council's amendment No. 44 as amended agreed to.

Amendment No. 45:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendment No. 45 be agreed to.

Motion carried.

Amendment No. 46:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendment No. 46 be agreed to.

Mr FOLEY: I move:

That the House of Assembly agree to amendment No.46 with the following amendment:

—After subclause (2) insert:

(2a) The Auditor-General—

(a) must incorporate in the report under subsection (2) a report on the probity of the processes leading up to the making of each relevant long term lease; and

(b) for that purpose may, before, during and after the completion of those processes, require reports from the person appointed by the Treasurer (or otherwise on behalf of the Crown) to be the probity auditor in relation to the making of that lease.

This is the third in a series of amendments coming to you courtesy of the Opposition and the Independents, as we continue to improve the quality of this legislation. History will record this night as a very important coalition between the Opposition and the Independents.

An honourable member interjecting:

Mr FOLEY: True; enough said; point taken. I outlined to the House earlier a most unfortunate incident in our State's history of Government, that is, the outsourcing of the water contract. I detailed to the House some of the very concerning things that occurred with the probity of that entire deal. The member for Mitchell, who is in the Chamber at present, the member for Reynell and many others have been concerned about whether or not there is enough scrutiny of the process and they want the role of the Auditor-General to be enhanced. Someone other than Executive Government should have oversight or input into this process. This has required skilful negotiations with the Independent members of this place, and they were carried out extremely well by whoever in the Opposition had those discussions.

Mr Clarke: I thought it was you.

Mr FOLEY: It was me, but I was trying to be modest. When the Auditor-General brings down his report on the contract our amendment seeks to ensure that he incorporates a report on the probity of the processes leading up to the making of each relevant long term lease and for those purposes he may before, during and after the completion of those processes require reports from the person appointed by the Treasurer or otherwise on behalf of the Crown to be the

probity auditor in relation to the making of that lease. It is fairly self-explanatory.

This is not a reflection on the probity auditor whom I understand is from Fisher Jeffries. We are simply saying that, for such an important asset sale or long term lease process, an extra layer of comfort should be provided to the Parliament. I do not believe it will cause any concern to the bidding process. It should not affect in any way the commercial agreements on which the Government will be endeavouring to sign off. It will be the Auditor-General, not members of this Parliament. It will not be the Economic and Finance Committee or any other body about which the Government may have fears. It will simply be the Auditor-General. In the spirit of wanting to improve on this amendment, I urge the Government to support it as I understand the Independent members will.

The Hon. M.R. BUCKBY: The Government supports this amendment because the probity process should be placed before the scrutiny of the House, and via the Auditor-General's Report is one way of doing that. It adds to public accountability of the Government and that is certainly a process that we support.

Mr CLARKE: As the Premier is in the Chamber, I would like to direct a question to him about an article in the *Advertiser*, which was printed at roughly 10.30 p.m. yesterday, which states that, with respect to the $150 million slush fund, a deal has already been done, it has already been reported to the House, the Opposition and the Independents are getting together to block the Government's amendments in that area, and that Trevor Crothers has blinked and the Government is to find the money from elsewhere. Is it a done deal and have the Premier's media people been too smart by half by letting the cat out of the bag so soon and so obviously? If so, can we save ourselves a lot of time and that of another place by getting through this legislation more quickly than we have so far? If the Government has done a deal, where will it find the $150 million that was promised to Mr Crothers?

Amendment carried.

Ms KEY: I refer to Part 3A—Staff and to 'transfer of staff'. It is important that we deal with this section tonight because a number of concerns have been raised by employees from ETSA. I will refer to a letter written yesterday to Mr Terry Cameron in another place by John Fleetwood, the Industrial Officer for the Australian Services Union, which has an interest in a number of members covered in this area. He writes on behalf of the single bargaining unit of unions operating within the South Australian electricity industry as follows:

> I write to you in my capacity as the Secretary of the single bargaining unit. The single bargaining unit advises you that we have major concerns with aspects of the lease legislation currently before the Legislative Council. Those aspects relate to the employment conditions applicable to the proposed lease of the industry. I particularly refer to clauses 15A, 15B and the area relating to superannuation.
>
> It is important that you understand that the proposal within the legislation is a vastly inferior one to the one which has been the subject of ongoing negotiations between the single bargaining unit and the Government during March to December 1998. We strongly request that those aspects of the legislation be put aside at this time and be the subject of further negotiations and workshopping between the parties to allow a fairer and more acceptable outcome.

He finishes by saying:

> We are very concerned that the passing of these clauses at this time will result in a very poor outcome for employees in the industry and will ultimately only serve to create significant difficulties for all parties as the move towards the lease progresses.
>
> Yours faithfully,
> John Fleetwood,
> Industrial Officer for the Australian Services Union.

I understand that, despite the claims that this section has been put into the legislation to assist the staff, it is the view of the unions that the legislation is not very helpful at all and, as Mr Fleetwood has already spelt out in his letter to Mr Cameron, it is actually inferior to the negotiations that have been taking place for a long time through the single bargaining unit, where the different types of employees are represented by workers from ETSA and by their relevant union. It is chaired by Mr Fleetwood.

The Communications, Electrical, Electronic Energy Information, Postal, Plumbing and Allied Services Union of Australia, the Electrical Division, South Australian Branch, has also registered its concerns and supports the points Mr Fleetwood made in his correspondence. There has been no real consultation with the single bargaining unit and the only reason the unions have been consulted at all, certainly in the other House, is because they were sitting in the gallery watching the proceedings and watching the hard earnt conditions and entitlements of their members going out the door.

There is great concern from our Party that this consultation has not been of an appropriate nature. Despite the assurances from members in the other place—not only the Treasurer but also Mr Crothers and Mr Cameron—the unions and workers in ETSA are dissatisfied with the provisions set out in this Bill. As people in this House would know, negotiations have taken place with the Government in the context of the enterprise bargaining agreement, in the context of the conditions and entitlements set out for ETSA workers and with reference to the Federal awards that are relevant to ETSA. So, the conditions that are set out in these clauses 15A and 15C are unacceptable. As Mr Fleetwood pointed out in his letter, he actually asked Mr Cameron and Mr Crothers to delete the clauses. This did not happen. I have also asked the crossbenchers here to consider deletion. They have said that they are prepared to listen to the contribution that I make and possibly make contributions of their own about the industrial conditions of the workers who are caught up in this sale/lease area.

I wish to register some of those points that have been raised with me in the context of industrial relations for ETSA workers and what happens to their future. The first question I would ask is in relation to 15A, the transfer of staff. I notice the legislation refers to sale/lease agreement and also employees of the purchaser. Can the Minister clarify the terminology used in this particular clause? I thought we were talking about a lease.

The Hon. M.R. BUCKBY: The major assets of ETSA will be leased but there are certain items such as computer programs and those sorts of things which will actually be sold. That is the reason we are using the terminology sale/lease. Those major assets will be leased but there are items within that will be sold to the purchaser.

Ms KEY: I just wonder whether it would be appropriate to identify not just the purchaser but also the lessee?

The Hon. M.R. BUCKBY: I am advised that the terminology 'purchaser' does include the lessee. Using that terminology is one and the same.

Ms KEY: To try to facilitate the number of questions that need to be asked, I will refer to correspondence that has gone

from the CEPU (Electrical Division) to Mr Paul Case, after a meeting, I understand, this morning of some half an hour duration when issues were discussed with regard to industrial conditions and entitlements. Mr Case, the Director of Human Resource Management, Department of Premier and Cabinet, State Administration Centre, was written to by the CEPU. The letter was signed by Bob Donnelly, State Organiser of the CEPU (Electrical Division). He is also writing on behalf of the single bargaining unit and states:

> I refer to the single bargaining unit letter dated 8 June 1999 about aspects of the Government's position on employment conditions etc. relating to the proposed lease of the electricity industry as reflected in the legislation currently before the Legislative Council.

There are a number of issues in here that have been addressed by Mr Case. I spoke to him earlier, and because we have not had the benefit of *Hansard* from this morning's sitting of the Legislative Council, he informed me that some of these issues have actually been addressed, although maybe not to the satisfaction of the unions; so I just point this out to the Minister. I will read that part of the letter with the understanding and, hopefully, the assurance of the Minister that these matters will continue.

As I understand it, there is an agreement that there will be a meeting next Tuesday and Thursday, where the single bargaining unit will have the opportunity to go through some of these issues in detail and clarify the differences between the inferior conditions in this particular legislative proposal in the Bill and what has already been on the negotiating table for quite sometime between the Government representatives and the single bargaining unit. The main issues concerning the single bargaining unit involve clauses 15A and 15B. First, regarding clauses 15A(1) and (2), what does the reference to 'nominee of a purchaser' mean? I note from the legislation before us that that has been redefined as a company related to the purchaser, but there are still some further questions that the unions wish to ask in this area.

Clause 15B(4) effectively amounts to an application of a regime of forced redundancies. This matter needs to be elucidated in more detail by the Government, and I am aware that the Government intends to follow up on this question. Regarding clauses 15B(10)(a) and (b), what guarantees exist that these provisions will not be reduced or repealed in the future? I am told that the legislation will ensure that there will be no reductions or repealing of conditions of entitlement for workers, but I remind the Committee that it is my understanding that Federal awards and agreements would take precedence of a State award, particularly with regard to conditions and entitlements of employees. In the industrial arena, that is the sort of precedent under which we have worked. So, I hope that will remain despite the bad drafting of clauses 15A and 15B.

Regarding clause 15B(11), the question is asked in this correspondence whether this provides for the forced relocation of employees without the application of a VSP offer. I note from the document before us that new clause 15AB has been inserted by the Legislative Council. So, that provides some sort of an answer to that question, but again I highlight that the unions seek to have that area clarified at their meeting.

In clauses 15B(11) and (12) what is meant by 'related employer' and what is the consequence of the references to that in the legislation? Again, I am advised that this matter has been picked up by way of an amendment. The unions are not entirely satisfied with that explanation. The definition in this subclause and also in another part of clause 15B regarding the electricity supply industry has been used. Under the Electricity Act 1996, 'electricity supply industry' is defined as 'the industry involved in the generation, transmission, distribution, supply and sale of electricity'. I ask the Minister to confirm that during the negotiations.

A number of questions follow which again I do not expect the Minister to answer, but if he could that would be terrific. I seek to identify these in *Hansard* as issues that have been raised by the unions, again because of the very poor way in which this piece of legislation has been put together regarding industrial conditions.

Quite rightly, the unions want clarification regarding the following matters: what jobs and career opportunities will exist for highly skilled electricity workers in the public sector; why redeployment is not contemplated within the electricity industry; why an employee must be redeployed in an area that is foreign to his or her expertise; what mechanism exists for an employee who has been transferred to the Public Service to have their salary and conditions increased over time; and what guarantees exist that employees will not be forcibly relocated. Clarification is also requested with regard to the distinction between the award and the enterprise bargaining agreement which covers employees and contract personnel. I do not expect the Minister to answer every single point, but could he reassure the unions that all these matters will be addressed? If the Minister wants to make some particular comments about any of them, the unions would appreciate such clarification or amplification.

The Hon. M.R. BUCKBY: I also have a copy of the letter from which the honourable member was reading. The major issues concerning the union were addressed in meetings this morning. As the honourable member indicated, on Tuesday and Thursday next week further clarifying meetings will be undertaken with the unions. This is the most generous scheme being offered anywhere in the Public Service. If, after two years, a person who has been working for ETSA or in the industry decides not to take a voluntary separation package, that person will be redeployed within the Public Service at their current rate of pay, and that is assured in perpetuity for the rest of their working life. It is an extremely generous scheme to the workers employed by ETSA in terms of the transition. The issues that the honourable member has raised have been dealt with by the Treasurer, and I suggest that he will be able to supply the honourable member with written answers.

Ms KEY: I have—

The CHAIRMAN: Order! The member for Hanson has had three opportunities.

Ms KEY: In that case, I will wait until we get to clause 15B.

The CHAIRMAN: No, there is no opportunity.

Ms KEY: Mr Chairman, I understood—and I asked at the outset—that we would discuss both 15A and 15B. There are some other questions I want to ask in respect of 15B.

The CHAIRMAN: There is only one question before the Chair. I have re-introduced that to provide an opportunity for the honourable member, and the honourable member has spoken to that question three times.

Mr FOLEY: I refer to clause 15B and weekly pay (WP). Is it the ordinary rate of pay that takes on the average rate of pay, or is it the basic rate of pay?

The Hon. M.R. BUCKBY: I am advised that it is the rate of pay currently used to calculate separation packages, and that includes the base rate plus some special allowance. It is the same rate of pay which is used in the separation package

calculations at the moment. So, it is the base rate plus some of the special allowances within that current rate of pay.

Mr FOLEY: Subclause (ab) provides:

> a principal workplace or principal work depot not more than 45 kilometres distant by the shortest practicable route by road from the principal workplace or principal work depot of the surplus position.

Will the Minister elaborate on what that means? It is causing concern. The union and the Opposition do not support that.

The Hon. M.R. BUCKBY: My advice is that discussions did take place with the union this morning. The amendment that is currently before the Committee has been included following those discussions with the union. Further discussions will take place on Tuesday and Thursday, as I identified earlier, to clarify any issues that the union wishes to raise. I am not quite sure what else the member wants to know.

Mr CLARKE: I appreciate that, under Standing Orders, a member can ask only three questions but I know that on past occasions Chairmen, including yourself, Sir, have shown a bit of flexibility in allowing in particular the shadow spokesperson or an honourable member with particular expertise in the area to ask more than three questions, assisting the Committee's deliberations.

The CHAIRMAN: The Chair might also say that it has been castigated by the honourable member and another of your colleagues for reintroducing a clause. I have provided some flexibility in doing that tonight.

Mr CLARKE: All I can say is that, on the occasions I have castigated you, Sir, I was right, and I am no doubt right again tonight. In any event, Minister, in terms of ETSA employees being transferred back into some other public sector department—and I just need clarification in terms of my understanding—am I correct in thinking that if, for example, a linesman on $600 a week is transferred to the Department of Environment at, say, some officer level that might bring in an ordinary rate of, say, $450 a week and the transferred ETSA employee retains the $600 a week in income, because he will be classified at a level that warrants a $450 grading in the Department of Environment, he will not receive any further wage increases until such time as that $450 grade equals the $600 and then goes past it through the effluxion of time, via enterprise bargaining or by some other form of wage adjustment?

The Hon. M.R. BUCKBY: Yes, the understanding of the member for Ross Smith is correct. Of course, that ETSA employee could always be promoted to a higher position and would then receive a higher wage. But the honourable member's understanding is correct.

Mr CLARKE: Further, given that there can be a considerable salary differential between the grade into which they are transferred and what they are actually earning at the time they are transferred, it may be several years before they see the benefit of any increase in their wage rates. And whilst there is always the possibility of promotion, frankly, at some levels the increase in pay they would have to receive would mean that they would have to jump so many grades that, in a number of instances, it would be pretty unlikely that that would occur. Will the Government give an undertaking that those employees who are transferred from the lessee back into the public sector not only will retain their salary but will retain it in real terms for so long as they are employed within the Public Service, so that those employees will receive the salary increases that are appropriate with respect to the department into which they move and not simply have their wage rates eroded over time, as the Government indicated in its answer to me this morning?

The Hon. M.R. BUCKBY: The answer is 'No,' I cannot give that undertaking because we are quite possibly dealing with a period of between two and 30 years. The honourable member must bear in mind that these employees are guaranteed permanent employment for the rest of their working life, and that is not currently available within ETSA or in a transfer of any other kind. This is a guarantee by the Government that, if the workers return to the Public Service, they will be permanently employed within the Public Service for as long as they wish up until retirement age.

Mr CLARKE: That is a bit rough, because these ETSA employees will not be redeployed by choice. It is this Government's decision to privatise ETSA that puts in jeopardy their job, because it will be the lessee who will decide whether these people are surplus to requirements. Then, through no fault of their own, they will be redeployed somewhere else in the public sector, possibly at a base rate of pay that is considerably lower than they were earning; so over time their effective take home pay would be significantly eroded. The Government should be able to give the undertaking I have sought. Whilst I appreciate the Minister's saying it could range from two to 30 years, depending upon the age of the employee concerned, the Government has a moral obligation in this regard, particularly if someone has 20 years of service left and they do not effectively get a pay rise for much of that 20 years of service. As their base rate catches up with their current earning levels that would have a significant impact on their superannuation entitlements and the like. We should remember that it is this Government's decision to privatise ETSA; it is not the choice of the employee to go back or be redeployed somewhere else in the Public Service.

My other point is that it probably will not be as big a problem as we imagine, because a number of employees may choose to take a voluntary separation package. A linesman might be faced with the alternative of going to the Department of the Environment as a word processing operator and that is all. Indeed, in many instances, a person faced with such an alternative probably would choose to take a package and go. The number of employees involved would probably be quite small. However, for those employees who are affected, it is quite important.

The Hon. M.R. BUCKBY: As I stated before, this scheme assures that the redeployee is guaranteed that permanent employment. However, there is no such guarantee currently within ETSA. Workers are under a two year retrenchment provision; they are not guaranteed employment within ETSA in the same way. The honourable member says that very few of these people will transfer into the Public Service, but they are assured that they have a guarantee of permanent employment for the rest of their working life.

Ms WHITE: My colleague the shadow Minister has handed a copy of a letter to the Government signed by Bob Donnelly, State Organiser for the CEPU. Part of that letter addresses superannuation, as follows:

> The single bargaining unit has grave concerns on superannuation for our members as negotiations and discussions with yourself and the Government agreed independent adviser Mr Tom Adams were halted abruptly in December 1998. The negotiations and discussions have definitely not been completed.

I am looking from the Minister for an acknowledgment of the need for the industrial parties in those negotiations. Can you give a guarantee to members of this place that the people involved in the super scheme will be the ones involved in negotiations and discussions from this point on?

The Hon. M.R. BUCKBY: Yes, I can give that guarantee.

Mr FOLEY: My question has two components to it. First, what relocation expenses are available to ETSA employees who are forced to relocate? What is the relationship between ETSA wages and maintenance policy and 15A and 15B?

The Hon. M.R. BUCKBY: Relocation costs are paid under the current situation with ETSA. They would continue to be paid but I am advised that no staff will be forced to relocate and, secondly, in terms of the 104 weeks and the separation allowance, if the employee returns to the Government, then the purchaser agrees to pay the 104 weeks of pay across to the Government to ensure that training can be undertaken.

Legislative Council's amendment No. 46 as amended agreed to.

Amendments Nos 47 to 56:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendments Nos 47 to 56 be agreed to.

Motion carried.

Amendment No. 57:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's amendment No. 57 be agreed to.

Mr McEWEN: I move:

That the House of Assembly agree to amendment No. 57 with the following amendment:

—After section 49A(1) inserted by clause 3 insert:

(1a) This section does not apply to development for the purposes of the provision of—

(a) electricity generating plant with a generating capacity of more than 30 MW; or

(b) a section of power lines (within the meaning of the Electricity Act 1996) designed to convey electricity at more than 66 Kv extending over a distance of more than five kilometres.

At 1.30 in the morning and to be still debating what is the biggest asset sale in the State's history is bloody ridiculous. Notwithstanding that I will try to explain what we are trying to achieve with this amendment. The Development Act 1993 has been touted around Australia as being the best there is. The State Government has championed it in all quarters but, as soon as it comes to a set of circumstances where it needs to put in place some mechanisms for planning after it leases its own assets, what does it do? It invents a whole new process. We have to ask what is going on with the Development Act 1993, in particular, the major developments or projects, division 2. This is the bit that is supposed to be so good. All we are saying is that if it is that damn good, use it. This amendment simply says this other set of amendments that have been cobbled together can stay in the Act. I do not believe they need be in the Act, but let us leave them there for whatever purposes, but you will not be using them for any generation capacity in excess of 30 MW or for any significant powerlines.

For those two purposes you will return to the original Development Act, where you will simply go through the normal planning processes, whereby the local planning authority—the council—will deal with the matter. I might add that that process was good enough for Boral when it first put in place planning applications to build a 40 megawatt power plant at Ladbroke, and then when it doubled it to 80. It was good enough for Boral when it also had to achieve easements and other planning consents to link its generator to a transmission line. It worked for Boral. It did not even need to go to division 2. But what this says is that, if it will not work for you, go to division 2, go to the Act, and stop trying to cobble something else together, as you have done with the industrial relations stuff. If the seminal stuff is good enough, if the Bills are good enough, use them for yourself as well as for someone else.

Mr FOLEY: Again, the Opposition is happy to support this. It completes the package of amendments worked through by the Opposition and the Independents in the coalition that we have seen tonight. This improves a very concerning part of the legislation—and that is, clearly, the issue of planning for major developments.

I will now go into some history—and I will be brief, but I cannot let this go without bringing Pelican Point into the equation. We are seeing at the tip of the Le Fevre Peninsula the Pelican Point Power Station. I do not want to revisit all that: we have heard much about it. That is an example of what can happen under the sorts of powers that we are talking about here. For whatever reason, at the end of the day, Pelican Point was chosen. But it could happen in any community. With respect to the power companies, in particular (and I think the member for Stuart should be particularly interested in this; I know that the ALP candidate for Stuart will be), if the owners of Torrens Island or Flinders decide that they want to have a substantial repowering of those power stations—as I am sure they will—there needs to be a process that at least somehow gives us some semblance of consultation and an ability for some appeal rights.

This at least means that the major projects in power will not be able to be simply signed off by a Minister of the day. It will revert back to the Development Act, which will revert back to the major projects—which is not much different, I admit, and it is probably nearly as good a power. But it just at least gives another layer of consultation and another layer of scrutiny. I do not believe that this is an issue of being anti-development at all—quite the opposite. It is saying that, when you build power stations—and they are not pleasant things; they are a necessity, admittedly—they are such that I think we need to have some degree of better assessment, particularly with respect to the issue of transmission lines. It will not worry me, but if I was a rural member and all of a sudden ElectraNet, under private ownership, turned up with its semitrailers and started erecting transmission towers across your property, you probably would like some way of appealing that, or having some involvement. I am not sure that it is much different from what is happening now but, at least notionally, under public ownership you have perhaps the ultimate sanction of Parliament. But it is just a small attempt to improve on it.

As I said, this completes the package of what has been a substantial improvement in the quality of what was a very poor piece of legislation. I have welcomed the opportunity of recent days to work with the Independent members. They have shown a preparedness to take this Government on—

Members interjecting:

Mr FOLEY: No, but I think it is important, because they did show a preparedness to take the Government on with respect to some pretty fundamental issues. We have improved the bottom line for the taxpayer tonight to the tune of about $750 million. That is a pretty big improvement by the Opposition, and the Premier will get his legislation through this House, at least. But it will mean that the Opposition in this State, together with the Independents, have got a better financial deal than what this Government was offering. I think that it is an historical moment for an Opposition and

Independents to do that. I think it should be acknowledged that, when this Bill leaves this Chamber tonight, the taxpayers of our State will be $750 million better off than what John Olsen, the Premier, was going to leave them with the Bill in its original form. We urge the House to support the member for Gordon.

Mrs MAYWALD: I support the amendment. It never ceases to amaze me how through the legislative process we tend to complicate the issues beyond belief. We have a Development Act that, by the Government's own admission or because of the way in which the Government has promoted it, is the best in the country, yet we have sought in the amendments proposed by the Government to introduce a whole new range of legislation to exclude a certain part of the commercial sector from the operation of that Act. I think it is entirely inappropriate and, for that reason, I support the member for Gordon.

Legislative Council's amendment No. 57 as amended agreed to.

Suggested amendments Nos 1 to 5:

The Hon. M.R. BUCKBY: I move:

That the Legislative Council's suggested amendments Nos. 1 to 5 be agreed to.

Motion carried.

MUTUAL RECOGNITION (SOUTH AUSTRALIA) (CONTINUATION) AMENDMENT BILL

Returned from the Legislative Council without amendment.

[Sitting suspended from 1.40 a.m. to 4.43 p.m.]

ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

The Legislative Council agreed to the House of Assembly's amendments to the Legislative Council's amendments Nos 31, 44, 46 and 57 without any amendment.

ADJOURNMENT

At 4.45 a.m. the House adjourned until Tuesday 6 July at 2 p.m.

HOUSE OF ASSEMBLY

Thursday 10 June 1999

QUESTIONS ON NOTICE

COMMERCIAL ROAD

9. **Mr HILL:**

1. What was the cost of the consultation process regarding the upgrading of Commercial Road located in the electorate of Kaurna prior to the 1997 State election?

2. What were the outcomes and recommendations of this consultation and if adopted by the Government, when will these recommendations be enacted?

The Hon. DEAN BROWN:

1. The cost of the consultation process for the Commercial Road project prior to the 1997 State election was approximately $30 000.

2. Community consultation was undertaken to determine the issues, concerns and needs of the community and to incorporate these into the scheme development during the planning phase of the project.

In the meantime, I am pleased to advise that in 1999-2000, $2.45 million is being provided for major upgrading of Gray Street, Commercial Road, and completion of works on Murray Road, Port Noarlunga.

This will include the upgrading of the Maslin Beach and Commercial Road intersection. In particular, $800 000 has been allocated to the Commercial Road project, most of which will be used for the design and construction of improvements at this intersection. Planning will begin early in the new financial year and Transport SA will continue to consult with the local community and Council to develop a design for the intersection which will improve the management of traffic. Possible options for the intersection include sealing shoulders and widening the road; installing protected right and left hand turning lanes; a roundabout, or an offset T-junction.

Transport SA has already carried out a number of improvements at the intersection, including:

- Replacing the intersection warning signs on Maslin Beach Road with additional duplicated 'Stop Sign Ahead' signs 200 metres and 400 metres from the intersection;
- Replacing the intersection warning signs on Gulf Parade with additional duplicated 'Stop Sign Ahead' signs 150 metres from the intersection; and
- Installing duplicated intersection warning signs 200 metres from the intersection on Eastview Road.

The route covered by the Commercial Road project is south from the intersection of Weatherald Terrace and Commercial Road, along Commercial Road to the intersection with Maslin Beach Road and Gulf Parade.

While the scope of the work has been scaled back, the basic functions indicated in the public submissions of May 1997 will still be provided, namely the widening and improving of Commercial Road to provide improved travelling conditions for motorists and cyclists and safer access along the route.

Long distance traffic from the Commercial Road catchment will be encouraged to use the proposed Southern Expressway when Stage 2 has been completed or the existing Main South Road via Griffith Drive.

The further development of Seaford Rise will be enhanced by the construction of Stage 2 of the Southern Expressway.

Delivery of the Commercial Road project will be progressed on an 'as needs' basis, with upgrades undertaken over a longer time frame, possibly up to 10 years, to better match expenditure with increased traffic volumes.

Priority will be given to addressing key intersections such as Maslin Beach Road (as mentioned previously), Seaford Road and Griffith Drive.

The Government is committed to progressing this project—and the current Transport SA approach wisely balances a wide range of factors including funding, traffic management and safety issues.

TAB TURNOVER

138. **Mr WRIGHT:** What was the TAB turnover during January of each year since 1994?

The Hon. M.H. ARMITAGE: As the TAB is my responsibility in my capacity as Minister for Government Enterprises, I advise the honourable member that:

TAB Turnover during January of each year since 1994 was as follows:

January 1994 – $43 642 702
January 1995 – $39 763 504
January 1996 – $41 268 478
January 1997 – $43 887 581
January 1998 – $53 484 760
January 1999 – $53 075 480

SMOKE ALARMS

157. **Ms RANKINE:** When will the funds announced in February 1998 to assist the frail, aged and disabled comply with Government regulations requiring the installation of smoke alarms by the year 2000 be released?

The Hon. DEAN BROWN: In February 1998 the Government announced that frail older people and people with disabilities would be assisted with the purchase and installation of smoke alarms.

Those likely to require the greatest assistance with the purchase and installation of smoke alarms are people with a profound hearing impairment who live alone and for whom a standard alarm is insufficient.

An inter-agency reference group has been formed to determine the most equitable means of implementing a program.

The group consists of representatives of the Metropolitan Fire Services (MFS), the Independent Living Centre, the Guide Dogs Association SA & NT, Sensory Options and the Disability Services Office.

An initial sum of $250 000 was set aside in the 1998-99 budget for the commencement of the program.

It should be added that agencies are already providing assistance to enable people to install smoke alarms through various means.

In Housing Trust properties the cost of installing appropriate smoke alarms (including those occupied by tenants with a disability and/or a hearing impairment) is being met by the Trust.

Frail, older people and people with physical and intellectual disabilities in privately owned properties have access to a number of existing programs and schemes to assist them with the installation of standard smoke alarms, such as through local service clubs and organisations such as the Metropolitan Fire Services and the Department of Veterans' Affairs.