

LEGISLATIVE COUNCIL

Wednesday 9 August 1989

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

QUESTIONS

COUNCIL BOUNDARIES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Mitcham council.

Leave granted.

The Hon. M.B. CAMERON: I refer to the meeting that I understand the Minister had this morning with representatives of the Mitcham council. I also understand that the Premier was in attendance, and that he had to take over the press conference afterwards because he was obviously embarrassed over the Minister's continuing inability to handle this issue. I have been informed that during the discussions with the Mitcham council, the Minister conceded even more than the fact that the original recommendation—

The PRESIDENT: Order! I draw to the attention of the member that item No. 11 on the Notice Paper is a motion relating to the Mitcham council. It has been the normal practice of this Council not to ask or raise questions on matters which are on the Notice Paper and which will be debated at a later time. Can the honourable member assure me that this question does not relate to the Mitcham debate?

The Hon. M.B. CAMERON: It is a totally new issue. It relates to an incident which occurred this morning at the Mitcham council. It does not relate to the debate as such. Mr President, I can assure you that it is totally new material and relates to a press conference held by the Minister. During the discussions with the Mitcham council, the Minister conceded even more than the fact that the original recommendation of the Local Government Advisory Commission should be reassessed in view of the continuing and increasingly strong opposition to the proposed amalgamation. I understand that the Minister also said she would consider changing the guidelines under which the commission considers amalgamation proposals.

If this is so, it represents yet another turnaround by the Minister because, until now, she has consistently defended the manner in which the commission has operated in these matters. I refer, for example, to her statements quoted in the *News* on 18 July that the commission's decision had been based on 18 months of careful consideration and public consultation; that it had looked at the matter thoroughly; and that all three members of the commission were expert and experienced. In view of her discussions today with the Mitcham council, I ask the Minister:

1. Did she tell the council that she would be reviewing the guidelines under which the commission considers amalgamation proposals?

2. If so, why has she decided to do this?

3. What changes does she have in mind?

4. When does she expect to make any final decision on any changes to the guidelines?

5. At all future discussions with councils, will she have the Premier in tow as her minder?

The Hon. ANNE LEVY: I do not know what report the honourable member has received of this morning's meeting, or press conference, but it seems that it has come from someone who was certainly not present or, if present, some-

one who has given a completely misleading account of what occurred.

The meeting this morning was requested by the Poll for Justice Committee and the Save Mitcham Committee, which requested a meeting with the Premier. That was the origin of this morning's meeting. After consultation with me the Premier decided that we would jointly meet with the representatives of the two committees and would also invite members of Mitcham council to be present. The Premier's office contacted Mitcham council, and the Mayor and one councillor were present at the meeting and took part in the discussions, initiated by representatives of the Poll for Justice Committee and the Save Mitcham Committee.

The press conference held afterwards, after full discussion with the people who had come to see us, was undertaken by both the Premier and me, while the other people present at the discussions observed the journalists and cameramen and heard every word spoken. We then had a further press conference with a spokesman from, I believe, the Poll for Justice Committee and someone from the Save Mitcham Committee alongside him. They had a press conference while I observed the questions asked and the responses given. Any suggestion that was other than I have indicated is a misrepresentation.

The outcome of the discussions was that, first, we would write to the Local Government Advisory Commission and request it to expedite the matter before it regarding the Mitcham boundaries under the statutory procedures laid down in the Act. No suggestion exists that we are asking the commission to act in any way other than set down in the Act, and this was agreed by the representatives who attended the meeting. We also stated that we would indicate to the commission the extent of feeling that has occurred and been expressed since the commission first reported.

The Hon. K.T. Griffin: I think the commission would be aware of that.

The PRESIDENT: Order! The honourable Minister.

The Hon. ANNE LEVY: This letter will be conveyed to the commission as soon as possible. It has not yet been signed, as I understand it is still being drafted. During the discussion I indicated that concerns that had been expressed had suggested that perhaps a need exists for review of the procedures under which the commission operates. It is not a question of changing the guidelines but of looking at the procedures under which the commission operates without any suggestion of criticism of it for the way it has operated in this or any other matter before it.

I remind the Council that this is the thirty-fifth report that the commission has provided and that it has followed exactly the same procedures for the previous 34 reports as it has followed with this one, but that, because of the concern that had been expressed by numerous residents in the Mitcham area, it was considered that perhaps there was a reason for looking at procedures that the commission is using and at the question of whether these should be reviewed. As to any changes in procedure, I have no idea at this stage. I have not yet set up any reviewing body to consider what procedures should be followed. I had discussions with my officers this morning as to how the procedures used by the commission could perhaps be looked at. As soon as I have any information on this matter I intend announcing it to Parliament.

The Hon. L.H. DAVIS: I direct my questions to the Minister of Local Government. First, following her meeting this morning with representatives of Mitcham council and other interested bodies, does the Minister now accept that there is overwhelming opposition by those ratepayers directly

affected to the creation of the new City of Flinders and, if so, will she move to prevent this amalgamation by permitting the Government to support a joint address to the Governor to overturn the proclamation creating the new City of Flinders? Secondly, does the Minister herself believe that the City of Mitcham should be abolished?

The PRESIDENT: Before calling the Minister of Local Government, I ask honourable members to look at Notice of Motion: Private Business No. 11 and to ensure that their questions do not sail too close to a matter that is to be debated later in the day.

The Hon. ANNE LEVY: In answering the honourable member's question, I am quite prepared to say that there is a great deal of opposition to the establishment of a new City of Flinders. I have said so on numerous occasions, and it was because—

The Hon. L.H. Davis: You didn't say that at the rally.

The Hon. ANNE LEVY: I did say it at the rally; as I understand it, the honourable member was not there, so he would not know what was said. I certainly did explain that at the rally. I referred the matter back to the commission when I became aware of the opposition to the proposal and that many people in the Mitcham area felt that they had not had the opportunity to express their views on this matter. As I have said on numerous occasions, that was why I referred the matter back to the commission.

With regard to the matter of a petition to the Governor which I understand will be moved in another place next week some time, I am concerned that following that line of action will put paid forever to our system of changing local government boundaries. A number of years ago we agreed as a Parliament that the procedure for changing local government boundaries in this State would be to have an independent commission to look at proposals—proposals coming not from the Government but from local bodies. They come from councils themselves or from residents in council areas. We agreed that any proposal for change to local government boundaries should come from the grass roots level and that these proposals should be looked at and evaluated by an independent commission.

This procedure was established a number of years ago, as I say, with the concurrence of every Party in this Parliament and with the complete agreement of the Local Government Association.

Members interjecting:

The PRESIDENT: Order! The question was asked in silence, and the answer should be given in silence.

The Hon. ANNE LEVY: The procedure which was agreed by all members of this Parliament and by the Local Government Association, which represents the voice of local government in this State, was that council boundary changes should be adjudicated on by an independent commission, and it was this Parliament which established that commission. Unless one takes the view that council boundaries are immutable and can never be changed, there must be some procedure available for changing them, and the procedure which has been set up and which is enshrined in legislation passed by this Parliament is that we have an independent commission which consults and reports following proposals put to it which originate from the grass roots level.

The Government does not initiate change. The Government does not adjudicate on change. The Government merely implements the changes which are recommended to it by the Local Government Advisory Commission. I think that procedure has been established; it has worked well in 34 out of 35 cases with no argument and with results which have been accepted throughout the local government community in this State. I would be very reluctant to undertake

any action which would put in jeopardy the independence of the commission or the procedure as a whole—

The Hon. R.J. Lucas: You are reviewing their decisions.

The Hon. ANNE LEVY: That is not putting into question the independence of the commission or the principle of having an independent commission to determine boundary changes.

The final question asked by the honourable member about whether I personally feel that Mitcham should be abolished is an absolutely absurd one that does not merit a reply.

The Hon. K.T. GRIFFIN: I ask the Minister of Local Government the following questions:

1. In view of the Minister's and Premier's statements made at the hastily convened press conference this morning, does the Minister now acknowledge that the decision of the Local Government Advisory Commission adopted by the Government in relation to Mitcham was politically damaging to the Government?

2. What form is the consultation by the Government with the commission likely to take in relation to Mitcham? Will it not be some form of political heavying to defuse the issue as soon as possible?

3. Is the Government proposing also to make a submission to the Local Government Advisory Commission not to proceed further with the Henley and Grange boundary dispute and that of Marion, Brighton and Glenelg in the light of considerable public concern in those areas?

The PRESIDENT: Just before the Minister answers the question, I remind honourable members that the rules I am following state that questions should not seek to promote discussion on an Order of the Day or other matter on the Notice Paper. I ask honourable members to bear that in mind. The honourable member has been sailing fairly close to the wind because he has on the Notice Paper Notice of Motion: Private Business No. 11 under which the Mitcham matter will be fully debated. In some of the questions, honourable members are getting very close to the debate of that particular problem. So bearing that in mind, and what I have just said, I call upon the honourable Minister to answer the question.

The Hon. ANNE LEVY: Thank you Mr President, I hope I can remember those three questions. The first question related to—

The Hon. K.T. Griffin: Does the Minister now acknowledge that the decision of the Local Government Advisory Commission adopted by the Government in relation to Mitcham was politically damaging to the Government?

The Hon. ANNE LEVY: The recommendation from the Local Government Advisory Commission was made after it had fully deliberated, consulted and considered all the evidence available to it. The Government acts to implement the recommendations of the independent commission. It would be politically most undesirable for any Government not to accept the decisions of the Local Government Advisory Commission. As soon as a Government starts overturning recommendations made to it there will be cries throughout the community, as there were before the Local Government Advisory Commission was set up, to the effect that Party politics is entering into decisions regarding local government boundaries. It was to avoid any Party political influence on local government boundaries that the commission was set up in the first place.

I am sure that plenty of the members opposite can remember the time prior to the establishment of the commission when Parliament itself was involved in changing boundaries. I was a member of select committees which were involved in changing local government boundaries,

and members opposite were involved with me in those questions. There was a great deal of discussion at that time, and arguments were put forward that the matter should be taken out of the parliamentary arena so that Party politics did not come into questions of local government boundaries. Party politics and local government are not presumed to have anything to do with each other. In fact, many members opposite have stressed that point on numerous occasions: that Party politics do not enter into local government, and should not enter into determinations of local government boundaries, either.

In regard to consultation with the Local Government Advisory Commission, I have already indicated that a letter to the Local Government Advisory Commission is currently being drafted as a result of the discussions that were held this morning. It will indicate to the commission the degree of opposition that has been expressed to its original recommendation since it was received. The letter will further indicate that the Government feels that a decision or a recommendation on the commission on this matter should be expedited as rapidly as possible without departing in any way from the commission's statutory obligations. That is the submission (if you care to call it a submission—I would call it just a letter) that the Government will send to the commission as soon as it has been drafted.

Finally, in answer to the third question, the Government has not intended and does not intend to make any submissions to the Local Government Advisory Commission regarding any other proposals that are currently before the commission to change boundaries. The meeting that was held this morning related to the boundaries of Mitcham council, and the undertakings which were given at that meeting related to the proposal regarding Mitcham council boundaries which I referred to the commission a couple of weeks ago.

SEAWEED REMOVAL

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about seaweed removal.

Leave granted.

The Hon. T.G. ROBERTS: This is a very important question, especially for my constituents in the South-East. Seaweed is becoming a marketable product, both for fertilisers and for health foods. Several companies are interested in seaweed removal and are working in cooperation with local government in negotiating removal agreements. Concerns have been raised in the South-East about the impact of seaweed removal on the erosion of foreshores—Mr Cameron knows this area very well—and the impact it is having on the marine food chain as well. What environmental considerations have to be taken into account by local councils when these agreements are being negotiated?

The Hon. ANNE LEVY: There were amendments passed to the—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. R.I. Lucas: She provokes us with her incompetence.

The PRESIDENT: You are not too hard to provoke, I don't think.

The Hon. ANNE LEVY: Amendments to the Local Government Act last year allowed councils to make agreements, enter into partnerships, form trusts, and so on, for commercial purposes. However, unless such an agreement is

with another council or with the Crown, approval of the Minister of Local Government is required for such an agreement to be entered into.

Before giving my approval, I need to take account of the financial implications of any such agreement and its implications for the council, and also any social or environmental impacts of the entrepreneurial activity contemplated. I have not received any request regarding seaweed removal or any project of that type. However, if it appeared to be a major project, I can assure members that I could seek advice from both the Department of Environment and Planning and the Department of Agriculture or the Department of Fisheries whether those departments felt that an environmental impact statement should be prepared before granting such permission. Those departments would advise me in that regard, depending on the magnitude of the proposal put forward.

I understand that some councils have been clearing seaweed from the beach merely to make it available for residents and tourists because, at some beaches, the seaweed can reach a height of six feet, which would make the beach quite unusable unless it was removed.

MINISTERIAL STATEMENT: ROYAL ADELAIDE HOSPITAL

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: In the past two sitting days the Leader of the Opposition in another place and his deputy have raised questions regarding patient activity at the Royal Adelaide Hospital. Specifically, they have produced two staff memorandums from the Hospital administrator, Dr Brendon Kearney, which they claim demonstrate that services are being rationed at the hospital.

In response the Minister of Health expressed his concern at the nature of these questions and made the point that Dr Kearney's comments were being used selectively and out of context. He subsequently noted that \$7.6 million in this financial year has been committed by State Government, specifically to reduce booking lists for non-urgent surgery in South Australian public hospitals. In fact, in the past three years, \$13.4 million has been made available specifically to reduce booking lists.

The Minister of Health further noted that 50 per cent of people who have elective surgery at Adelaide's major metropolitan public hospitals receive their surgery within a month of being added to the booking list.

Nevertheless, the sensational and highly exaggerated claims by the Leader and his Deputy in another place were widely reported. I now table a letter that the Minister of Health received this morning from the Administrator of the Royal Adelaide Hospital, Dr Kearney, regarding those matters and matters raised by the Hon. Mr Cameron in this place. The letter states:

I write to express my concern over press reports on Royal Adelaide Hospital information bulletins. These reports are internal communications for the information of staff and the press reports have taken selected statements out of context and have engaged in speculation that cannot be substantiated.

In particular, the level of patient activity in the memorandum refers to inpatients occupying beds and to the very much higher level of activity that was experienced before March 1989. Substantial gains are expected in patient treatment through day surgery and other forms of day treatments which represents a change in the way services are provided and an increased level of service.

The hospital is actively recruiting nursing staff and hopes to substantially increase nursing staff numbers progressively over the next four weeks. Nursing staff numbers currently represent the major constraint on patient activity, not the budget.

The speculation I refer to above is not in the interest of the Royal Adelaide Hospital and is selective and uninformed. This year's budget will provide for an overall increase in patient care and it would be best if the hospital was allowed to get on with its job without further statements that are misleading.

The Opposition has been engaged for some time now in a campaign aimed purely at scaring people in need of non-urgent hospital care.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It is a disgraceful and dishonest campaign. In the interests of the community I would suggest that the Opposition Leader takes Dr Kearney's advice and lets the hospital 'get on with the job'.

ENERGY EFFICIENT LIGHTING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about energy efficient lighting.

Leave granted.

The Hon. M.J. ELLIOTT: This question could just as easily have been asked of the Minister of Mines and Energy, but I shall be happy with an answer from either Minister. Quite a number of people are looking seriously at ways in which we can start cutting back on the consumption of energy, particularly in light of the greenhouse effect, but also for other reasons. Although lighting is a relatively small component of energy consumption, it is one which is also very easily tackled. The lighting bill for the average person is about \$40 a quarter. One way to tackle the energy use of lighting is to change to the use of fluorescent lighting rather than incandescent lighting. A fluorescent globe uses only 20 per cent of the energy of an incandescent globe, and it lasts six times as long. Unfortunately, the initial cost of these globes is fairly high, varying between \$30 and \$40, and that is quite a disincentive for the average wage earner.

There are a couple of reasons why they are so expensive. First, none are manufactured in Australia presently. Secondly, a 10 per cent sales tax applies. It has been reported that the State Government has been looking for economic advantages to be gained from the greenhouse effect and other environmental problems that currently beset us, and it has been suggested to me that we have one such offering before us now. In Holland, I believe the Government is actually supplying these new efficient fluorescent globes to encourage energy conservation and also to reduce the pressure to install new electrical production capacity. This works as an economic positive, not just as an environmental one. My questions to the Minister are as follows:

1. Would the State Government investigate mechanisms to underwrite the installation of high efficiency fluorescent globes in private dwellings?
2. Will the Government install high efficiency globes in all Government buildings?
3. Will the State Government give consideration to such a large boost in guaranteed sales of those globes as an inducement to the manufacturers of such globes to establish plants in South Australia?
4. Will the State Government prevail on the Federal Government to remove the sales tax on these products, just as it proposes for sound environmental reasons to remove the sales tax on recycled paper?

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

MARINELAND

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Marineland.

Leave granted.

The Hon. M.B. CAMERON: I have in my possession documents that highlight a saga of cruelty, perhaps criminal mistreatment, of animals at Marineland. Marineland at the stage of these allegations was managed by the West Beach Trust, and of course is subject to Ministerial control, so these matters are the direct responsibility of the present Government. It highlights very dramatically to me the need for freedom of information legislation in this State, and it is becoming very clear that there is more than one reason for the failure of the Government to disclose information relating to Marineland.

It has been quoted to me that there appears to be a cover-up of monumental proportions on more than one issue. I quote Mr Brian Albert Court, Senior Project Officer in the Department of State Development and Technology. In response to a question about whether dolphins had been cruelly treated in the past, Mr Court said:

I am not in a position to say that but, certainly, veterinary examinations and X-rays have indicated that there have been some very serious problems, including broken skulls.

In the same document, Mr Abel, whose family company took over from the West Beach Trust, went on to say:

These photographs show a female sea lion who was mauled late last year and was not being attended to when we discovered her. We found a massive staph infection. All of the animals were suffering nutritional deficiencies and have been fed incorrect fish species for many years. The sea lions were suffering from chronic hair loss. Their skin was an unnatural colour. This pool has no filtration and the water was being changed once a week. We found enormous counts of bacterial chloroforms and a virus which was a killer of marine animals in ocean parks. There are no facilities for keeping young animals that are born at Marineland. This photograph shows a pup that died after 18 hours. Nobody knew that the mother was pregnant.

All of the penguins were suffering from bumble foot disease because the wrong strata in the enclosure. One penguin was blind and another was suffering from a brain tumour. The penguin had a fractured skull, as well, and the brain tumour is still there. None of the birds were being attended to by a veterinarian. All the birds have now been sent to the vet.

Mrs Abel then went on to say:

One dolphin in particular was very ill. It would not eat and was very thin. The vet came in over two nights. Eventually he had to put an arm into the dolphin's stomach to remove a large portion of a plastic ball which the dolphin had swallowed several months before.

Mr Abel added the following comments:

When the company took over, almost all of the sea lions were about 30 per cent below the body weight of what they should have been for their age and length . . . to date we have spent over \$10 500 in veterinary expenses to bring the animals back to a state of health. It is comfortable to us to believe that they have a reasonable chance of survival. . . . There was a dispute between the veterinarian and the head trainer at Marineland as to what was fit and proper in respect of veterinary attention, and the West Beach Trust, as we understand from the correspondence we have sighted, took the view that they needed their head trainer rather than the veterinarian, so they dismissed their contract with Dr Needham and brought in another veterinarian.

The veterinarian has relied principally on the comments and observations of the former head trainer who resigned shortly after we took over.

I understand that that is when the Abels family took over. My questions to the Minister are:

1. Was any investigation carried out into the animals that were found to have been mistreated in the extraordinary way I have just outlined?

2. If so, have any charges been laid as a result of those investigations? Will the Minister table the results of those

investigations? If no investigation took place, can the Minister explain why not, and will she now take steps, belatedly although it might be, to have these matters investigated as a matter of urgency?

The Hon. ANNE LEVY: As I understand it, the welfare of all marine life at Marineland has been under the aegis of the Minister for Environment and Planning, who is also in charge of animal welfare. I will certainly make inquiries in relation to the report from which the Hon. Mr Cameron has quoted. The matter has certainly not been drawn to my attention, but I will refer the matter to my colleague in another place.

PHOTODEGRADABLE SHOPPING BAGS

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister for Environment and Planning, a question about photodegradable shopping bags.

Leave granted.

The Hon. CAROLYN PICKLES: According to an article in the *Advertiser* of Tuesday 18 July, a major shopping chain—Coles New World—is introducing plastic shopping bags that break down over a period of months as a result of exposure to sunlight. Another shopping chain was also reported as considering the shopping bags. The General Manager of KESAB, Mr John Phillips, was reported as having said that whilst he supported the push for degradable bags, at the same time the organisation was concerned about the potential increase in litter. KESAB's concern was reportedly shared by the Waste Management Commission, which believed degradable products could be incompatible with recycling. Whilst any move to produce environmentally friendly products are commendable, there may be some cause for further investigation of this particular product. Will the Minister please advise whether there are any plans to assess the environmental impact of the photodegradable bags?

The Hon. ANNE LEVY: I will be happy to refer that question to my colleague in another place and bring back a reply.

HELICOPTER

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General a question about government procrastination.

Leave granted.

The Hon. R.J. RITSON: Page 11 of the *News* today carries an article headlined 'Doctors in plea over helicopters'. Members will recall that for several years I have detailed the many deficiencies of the State's rotary wing search, rescue and air medical evacuation services. Also, members will recall that I have repeatedly drawn attention to matters such as the Police Association criticism of safety aspects of the service.

Members will also recall that I have cited an instance of loss of life which was contributed to by the design of the door of the aircraft. I have referred to a serious accident at Edinburgh which was attended by the aircraft only to find that the victim could not be transported because the aircraft design precluded the appropriate in-flight treatment. The list of incidents is very long, and if the media wants more examples I suggest they talk to Dr Gilligan of the Royal Adelaide Hospital Intensive Care Unit (that is unless the

Government gags Dr Gilligan). That is, if the Government does not gag him.

For several years now the Government has promised to upgrade the aircraft but has done nothing. Three Christmases ago the *Advertiser* journalists presented me with a toy helicopter as a symbol of victory, because the Government had announced, all that time ago, its intention to get a more suitable aircraft. The Government has called tenders and accepted none of them. The Government has since made more promises. A year or more ago, the member for Henley Beach promised a new aircraft to his constituents, and in this Chamber, when I raised the matter yet again during the autumn session, the Attorney-General said that the matter would be addressed in the forthcoming budget.

The Government, for obvious electoral purposes, has begun releasing good parts of the budget before introducing it. Obviously, the Ministers are very familiar with the budget and are prepared to release details of it. Can the Attorney-General say how much is allocated in the budget for the purchase or lease of a suitable rescue helicopter; what particular model is to be provided; when will delivery be expected; and what are its direct operating costs?

The Hon. C.J. SUMNER: I cannot answer that question. I will refer it to the appropriate Minister and bring back a reply.

EMPLOYMENT

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question on employment in South Australia.

Leave granted.

The Hon. T. CROTHERS: A recent statistical report that came to my attention revealed that the number of people employed in South Australia as at March 1983 was 545 400, whilst at March this year the number of employed in total in South Australia was 640 700—an increase over the six year period in question of almost 100 000 people. It is a truly remarkable achievement. Given the fact that for the quarter ending March 1983 the then newly elected Bannon Labor Government inherited from the previous Tonkin Liberal Government the horrendous position of the State having 10.6 per cent of its work force unemployed; an unemployment rate amongst teenagers of 27 per cent; and the equally horrendous situation of there being 69 unemployed persons for every job vacancy, will the Minister inform the Council of the percentage of unemployed teenagers in this State for the period ending 31 March 1989 compared with 31 March 1983?

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: Hello! The rich man's daughter interjects. I am talking about workers—she has never worked in her life. I did not ask her to interject—if she does she must suffer the consequences. What is the present number of persons for each job vacancy in this State? Will the Minister give any other employment detail that may assist members of this Council to understand better how the employment position in South Australia has progressed during the time the present Government has been in office?

The Hon. C.J. SUMNER: I do not have those precise figures at my fingertips, but I will certainly obtain them for the honourable member. However, I am certainly aware of the general proposition that the honourable member has put to the Council. Anyone who looks at the area of employment and the increase in employment opportunities that has occurred under the Bannon Government since 1982

should be prepared to compliment the Government on its efforts. Unemployment has decreased significantly, and work force participation rates have increased.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. C.J. SUMNER: That improvement in the employment situation has also flowed through to youth unemployment. In general terms what the honourable member says is correct; there has been a significant improvement in employment.

In addition, as the Premier's statement about the 1988-89 financial year result issued yesterday indicated, there has been considerable improved activity in the South Australian economy this financial year that has flowed through to jobs. The Bannon Government's policies have been accepted by the public of South Australia—a partnership between the public and private sectors to boost investment in South Australia and to promote employment in our State. On the whole in the past seven years that has been successful through a number of initiatives that have been referred to in this place previously, with the basic underlying theme of the diversification of economy, concentration on high technology activities, and defence-related activities in which the submarine project is the most prominent.

It needs to be stated that, had the Liberal Party been in government in this State, in particular had Mr Olsen been the Premier, that project simply would not have come to this State.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Indeed, the Grand Prix would not have come to South Australia had there been a Liberal Government in power with Olsen at the helm. The Leader of the Opposition does not have the skills to negotiate projects of that kind.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Those projects have been achieved as a result of a Labor Government being in power, particularly as a result of the negotiating skills exhibited by the Premier—skills appreciated if not by members opposite at least appreciated by the great majority of South Australians. The flow-on effect of the overall policy has been seen since 1982, after the devastation that occurred in this State between 1979 and 1982 during the Tonkin Government.

Members interjecting:

The Hon. C.J. SUMNER: You were a man of the Government. The Hon. Mr Burdett surprises me. He has not looked at employment and other figures relating to investment and virtually every other economic indicator since 1979, and I am surprised. They clearly show a period of incredible stagnation and massive loss of jobs. If we compared that with the period from 1982 to 1987, we will find that there has been significant employment growth as a result of the policies put into place that have flowed through to teenage unemployment.

COUNCIL BOUNDARIES

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Government's submission to the Local Government Advisory Commission.

Leave granted.

The Hon. J.C. IRWIN: The Minister was reported to have said in the *News* of 7 July 1989:

Under the law the independent commission could not consider another proposal from that area for three years.

Since then we have heard the Minister say that she has referred a proposal to the commission to consider dedicating back to Mitcham council that portion that was dedicated from Mitcham to form the new Flinders council. Today the Premier said that the Government would make an official submission to the Local Government Advisory Commission. Further, we learnt today that the Premier and the Minister have agreed to make submissions on behalf of the Government to the commission and stated, 'In our submission we will stress the importance of community acceptance and backing for any changes of boundaries'.

An honourable member interjecting:

The Hon. J.C. IRWIN: Well, you have already made one submission. The Premier said that the Minister of Local Government would consult urgently with the commission to examine every possible measure to ensure that the commission makes its recommendations to the Government as soon as possible. We were told earlier in the press that the commission would not meet until mid August and not have a reply until early 1990. My questions are: why is it necessary to make yet another submission to the Local Government Advisory Commission? What is the difference the second time around? Was the first one not an official submission? How can the Minister make submissions to the Local Government Advisory Commission or even 'consult' with it—whatever that means—after a proclamation has been signed, while under the law no-one else can do that?

The Hon. ANNE LEVY: I do not think that the Hon. Mr Irwin has listened to a word that I have said for the last three days in this Chamber. Obviously, in the first place he does not know the difference between a proposal and a submission. If the honourable member cared to read the Act, he would see that there is a big difference. What I have done is put a proposal to the Local Government Advisory Commission—which is a technicality—so that the question of the boundaries of Mitcham council can be re-examined. It is, in effect, referring back for further consideration the proposals that the commission has already had. However, as I indicated in answer to the Hon. Mr Griffin yesterday, I have put a new proposal, technically, as that is the correct procedure under the Act.

The Act states—and I am surprised that the honourable member has not looked at this matter, considering that he was part of the Parliament that put it into operation—that no further proposal in relation to a particular area of the State can be entertained by the commission for a period of three years when submitted from a council or from a group of electors.

There is no inhibition on the Minister's putting a proposal to the commission at any time relating to any area of the State. It is under that authority that I have put a proposal to the commission. The so-called submission to which the honourable member refers is what was discussed with the people from the Mitcham area this morning—and I have already referred to this in answering at least two other questions about this matter in this Council today. It is that the Government would inform the commission of the considerable community disquiet which has occurred since the commission's recommendation was received and also with an indication that it would seem advisable for this matter to be dealt with expeditiously and not have it hanging around for a long period.

I do not know where the Hon. Mr Irwin gets the suggestion that the commission would not be able to provide a response to my proposal before 1990. I have never said that and the commission has never said that. Obviously it is a product of someone's feverish imagination.

GRANTS COMMISSION

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Grants Commission.

Leave granted.

The Hon. PETER DUNN: As reported in the local media in the western and northern areas of the State, Federal Government general purpose grants have not kept pace with inflation, except for one local government area. It has been suggested to me that the distributions may be favouring some areas to the detriment of others. I understand that the Grants Commission, which determines these cases, has a formula for determining the amounts for each council. It has also been suggested to me that with such a formula there is no need for a committee to determine the apportionment of funds.

The facts are that each local government area puts forward its claims and the moneys that a council receives are determined partly on this basis. The Government also has the ability to make submissions on its behalf, which may significantly affect the grant to a local government area. I shall refer to some of the current grants. It should be borne in mind that there has been 8 per cent inflation this year. The amounts I shall give for the percentages are plus or minus in relation to grants from last year. For instance, the local government area of Cleve has had an increase of 2.1 per cent; Elliston, 1.61 per cent; and Kimba an increase of 1.14 per cent. The Cummins council, for instance, has had a decrease of 5.9 per cent; Crystal Brook, minus 2 per cent; and Port Lincoln a massive 4.85 per cent. If one adds 8 per cent to all those, one can see how significant this is and what a bearing this will have on those communities. Looking at other communities, such as Coober Pedy, we see that it got plus 9.3 per cent—the only one that even matched inflation; Port Augusta got plus 5.94 per cent; Port Pirie, plus 4.5 per cent; Roxby Downs, 4.5 per cent; and Whyalla got plus 6.43 per cent.

We understand that the populations have a bearing on this—and Whyalla's population has decreased somewhat over the last year. With that in mind, can the Minister tell me in relation to which of the local government areas that I have mentioned has the Grants Commission received submissions from the State Government? Is it true that the local government areas in question are unable to see those submissions made by the State Government to the Grants Commission—either for or against the increased grants? If so, why?

The Hon. ANNE LEVY: Certainly I have not put any submissions to the Grants Commission—and I have just had whispered to me that the previous Minister did not put any submissions to the Grants Commission, either.

The Hon. R.I. Lucas: That she was aware of—you had better say that.

The Hon. ANNE LEVY: That I am aware of.

The Hon. R.I. Lucas: And that she was aware of.

The Hon. ANNE LEVY: Well, submissions from the Government would obviously have to have the signature of a Minister. One of the problems with distribution by the Grants Commission is that the total sum received from the Federal Government has not kept pace with inflation. If members look at the material which I distributed to all of them they will see that the total sum received from the Federal Government has not kept pace with inflation. So, obviously there must be a decrease in real terms across the whole State.

With regard to the distribution among the individual councils, the Grants Commission is half way through imple-

menting a seven year program of changing the basis on which grants are distributed to local councils. It has held numerous seminars and workshops with members of, if not all, very nearly all, councils across the State to explain the procedure and the formulas that the commission is using in determining the grants for each council. Many different factors are taken into account, one of which, of course, is population. However, that is only one of the factors that the commission considers. It also determines what it calls a disability factor, which takes into account a whole range of matters—I think some 22 different items are used in arriving at the disability factor.

The PRESIDENT: Order! Time for questions has expired. Call on the business of the day.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. M.B. CAMERON (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

The Hon. M.B. CAMERON: I move:

That this Bill be now read a second time.

This Bill has been introduced to try to rectify some of the damage that has been done by the Mitcham saga. Indeed, I think 'shemozzle' would be a better word for it.

An honourable member: Shambles.

The Hon. M.B. CAMERON: Yes, because it is quite clear to anybody who has any knowledge at all of how local government operates that somehow or other the Minister has made an absolute mess of this whole situation. The local people have had virtually no say whatsoever in what shall happen to them.

A set of recommendations was given to the Minister by the Boundaries Commission, and posthaste the Minister introduced them into Cabinet, posthaste they were signed by the Government and posthaste they were announced without any of the parties involved having any idea of what the recommendations were.

The end result is that the local people have suddenly found themselves overnight transported from one area to another. I do not believe that 1 per cent of the people in this area would support what the recommendations did to them. There were some people who wanted a new council, and that, Mr President, was used as the reason for changing the boundaries. But, in fact, even those people in that area (and I know people in that area) were somewhat dismayed to find that their proposal for a new council was totally ignored and that they were taken across and delivered to another council.

They would be doing all their business at Happy Valley from Eden Hills, but it just does not work that way. However, that was a decision of the Boundaries Commission. Between when the recommendation was made and the decision was finally made by the Minister the people should have been given some opportunity to act. The people are reasonably important, despite what the Government might think. This is one of the troubles with Government: after you have been there for a long time you start to lose sight of what is important. The people are important, and the Government is becoming very arrogant. What it did was just ignore the people.

This small but vital piece of legislation has been prepared and brought to the Council following the debacle of the new City of Flinders proposal. It responds to the many thousands of people who demand a meaningful say in their

destiny and is aimed to help prevent similar debacles in other council or part council amalgamations. Why do I say 'debacle' when referring to the new City of Flinders proclamation?

To form the new City of Flinders was the advice given to the Minister of Local Government following lengthy deliberations of the Local Government Advisory Commission. It took something like 18 months, and the commission considered three proposals: one from Blackwood Hills; one from Happy Valley, which made the initial Flinders proposal; and one from Mitcham. Various groups, including Mitcham council, made attempts to gauge the feelings of electors in their areas. Every attempt, including the one within the Mitcham council, was criticised by the commission for bias. So, although thousands of signatures were collected, we must assume that the commission did not take very seriously, or give great weight to, the signals of support and opposition that those signatures reflected.

After receiving a great deal of evidence and deliberations, the commission made the recommendation to the Minister to establish the City of Flinders. The Minister of Local Government received the recommendation on a Friday and sent it off to Cabinet. Six working days later the proclamation was signed, and in all but one area the advice of the commission was proclaimed.

Despite the provisions of the Local Government Act, not once did the Minister conduct an indicative poll on any one of the three proposals or, more importantly, on the final proposal. The Minister's stated reason for not holding a poll was that the Government would not wear the cost and, with utter disregard for the Act, the Minister would not—

The Hon. ANNE LEVY: On a point of order, Mr President, it is customary in this place for the person introducing a Bill to provide a copy of the second reading speech to the other side of the Chamber. I am not aware that this has been done.

The PRESIDENT: I do not know that it is a point of order but it is a matter of courtesy.

The Hon. M.B. CAMERON: That is not the case. It never has been the case. It is the case that ministerial statements are provided, but not second reading speeches. I have never done that in my whole time in the Parliament.

The PRESIDENT: I think that Ministers have done it when they have introduced a Bill.

The Hon. M.B. CAMERON: Ministers are a different matter, Mr President.

The PRESIDENT: As I said, I see it not as a point of order but as a matter of courtesy.

The Hon. M.B. CAMERON: She can have a copy afterwards. It will be a help to her. The Minister would not instruct anyone to have a poll or even negotiate the costs of a poll. This really is a new ball game for the Minister of Local Government and the Government, for they usually take great delight in telling local government what to do and how to do it. The Minister knows she can call an indicative poll after the advice from the commission is received.

The Mitcham council or any other council under 'attack' can hardly rush around having polls on any proposal that it thinks may be of importance to the argument so that the results of any poll may influence the commission or the Minister. This is the best reason I can think of why Mitcham did not have a poll. Just for the record, I wish to read into *Hansard* what happens in relation to indicative polls. Section 29 of the Act provides:

(1) The Minister may direct that a proposal for the making of a proclamation under this Part be submitted to a poll of those who are directly affected by the proposal.

(2) The Minister will determine the basis of entitlement to vote at a poll under this section and the manner in which the poll is to be conducted.

(3) The Minister may, or the Commission must, at the request of the Minister, prepare a summary of the arguments for and against implementation of the proposal that is to be the subject of a poll under this section.

(4) Where a summary of arguments is prepared under this section, copies of the summary must be made available for public inspection at the principal office of the council or councils affected by the proposal.

(5) The Minister may—

(a) direct the council or councils affected by the proposal to conduct a poll under this section;

or

(b) direct the Electoral Commissioner to conduct a poll under this section and in that event the Electoral Commissioner may, if the Minister so determines, recover the cost or a proportion of the cost of the poll from the council or councils affected by the proposal.

The Act specifically allows for an indicative poll, which can be instigated prior to proclamation, of those electors who are directly affected by the proposal and the Minister determines the basis of entitlement to vote and the manner in which the poll is conducted.

The Minister may or the Commissioner must, at the request of the Minister, prepare a survey of the arguments for and against the proposal that is already in the Act. Nothing could be more in the hands of the Minister than that. Further, the Minister can direct a council affected by the proposal to conduct the poll or direct the Electoral Commissioner to conduct the poll, and the Minister can determine who pays the costs. Nothing could be fairer than that, and no-one should be able to question the outcome on grounds of unfairness. The Minister can then choose to take the poll findings, consider them with the Commissioner's advice and proceed to a certain proclamation, or the Minister could refer the proposal back after the poll findings and ask the Commissioner to record the advice. We believe that only a minority, if that, would have any reason for doubting the final decision after going through the process. The Minister's proposed proclamation is made public. A poll on that proposal is held in the area affected by it and a final decision is made, and only then is the proclamation signed. These democratic steps were put into the Act for a purpose. They have not been used by the present Minister or Government.

To complete the picture, let us look at the proposals in the Act, for special provisions in the Act relating to polls. Clause 102, entitled 'Subject matter of poll', provides that the returning officer of a Council must, at the direction of the council, conduct a poll on any matter within the ambit of the council's responsibility. Clause 103 provides that a ballot paper for a poll must contain a statement (determined by resolution of the council) of the proposition to be submitted to the electors and, *inter alia*, two squares provided on the ballot paper for an elector to indicate by an 'X' whether he is for or against the proposal. I can find nothing in the Act to allow for part of a council or a single ward to be polled; neither can I find anything to prevent it, so I expect that it can be done. Part VII Division VII, 'Conduct of Electoral Polls', then goes on to advise how to gather votes taken at a polling place.

Any fair-minded person looking for the fairest possible result from a poll would have to say that the provisions under indicative polls is the better alternative. Mitcham council is about to hold a poll soon under Part VII, Division VII and will proceed if the Government does not support legislation to rededicate Mitcham. Through public pressure and 15 000 to 20 000 people demonstrating against the signing of the Flinders council proposal, the Minister has been forced to make a new proposal to the Local Government

Advisory Commission, asking them to give advice to the Minister about the proposition of dedicating back to Mitcham that portion of Mitcham council now dedicated to Flinders. That is a strange way of going about it. You do it, change your mind and then change it back again.

In our eyes and those of thousands of Mitcham residents, let alone thousands of South Australians appalled by the Mitcham process, this is not good enough. It is not good enough because there is no guarantee that the Minister will be influenced by any strong supporting poll and rededicate the whole of the old Mitcham council. The only thing going for Mitcham now is that people know what the proposal is. It is a bit like burying someone that you know is alive and kicking. Certainly, Mitcham could have conducted a poll at any time on any one of or on all three proposals put to the Local Government Advisory Commission. Apart from being very costly and time consuming, the only proper time to have a meaningful poll is when the commission has reported, and on its reported proposal. What on earth is the point in holding a poll on some subject when people do not know what the proposal is? I find the thinking on this whole topic woolly, ridiculous and stupid.

The councils involved in the Henley and Grange proposals and the councils involved in the Marion, Brighton and Glenelg proposals, and all the other various proposals now before the commission, can conduct a multitude of polls but none will ever be more meaningful than a poll conducted on a final commission proposal. The present Minister (as with the former Minister) completely misses the point when she keeps rejecting appeals for indicative polls and telling councils they can do the polling. She completely misses the point because she will not publicly release the commission's findings. When they are released, if Mitcham council can be taken as an example, it is already too late, because it has already been proclaimed. What will a poll be held on, then? A proclamation?

Prior to proclamation, councils can decide on a well known proposition what question to put to the electors of the affected areas. It does not seem to sink into the Minister that it is the affected area that is the paramount point. In the Mitcham example, the people of Blackwood Hills are in the affected area. It is they and they alone who have to decide in any poll whether they have their own council, stay with Mitcham proper, or go with Happy Valley, which itself is to be larger than just the addition of Blackwood Hills.

Can it not sink into the Minister that although there were three proposals there could have been any one of four outcomes. The commission canvassed a number of economic outcomes for the Blackwood Hills people on any number of economic factors—rates, roads and services. However, can any elector cast a vote at a poll not knowing what the commission's calculations or findings are? They can do it properly only after the commission has reported. It is a bit like saying, 'We have had an election and we are the winners and this is what we will do,' when we have not told the people beforehand.

The Hon. C.J. Sumner: You've done that before.

The Hon. M.B. CAMERON: No, we have not. You have told them things that you have not done. If you want to get into the subject—

Members interjecting:

The Hon. M.B. CAMERON: You said you would not increase taxes, then you boast about how much money you got out of the taxes. The Minister did not give people this chance. The Minister has indicated constantly that she will not give them a chance. The commission's findings are secret and locked up until the fate is sealed.

Henley Beach is a perfect example. We have the opportunity to tell people that the proposals are without political flack from anybody. We can just put it up and find out what it is about. The people will give some indication. We can hold a poll and then the decision will be made. But why not let the people know? Why is the Government frightened of the people? What is there about the people that terrifies the present Government? Does the present Government not like the people? Does the present Government not understand that people are the most important part of democracy?

The Minister and this Government do not want a level playing field. We see this so many times as Government enterprises with unfair advantage compete with the private sector. We know that the Government encourages amalgamations. We know that it wants super councils. We know that it wants to politicise local government. The people have resisted so far. This Government will do anything to get its way, even to the extent of forgetting about people, trampling on their rights and undermining the democratic process.

In the absence of any fair movement from the Government we are introducing this legislation to give people the final say. I am sure that nobody on the other side of this Chamber would disagree with that. Surely that is the very basis of democracy. In all my time in this place I have consistently supported the Government in relation to electoral matters where I have considered it fair. I think in this case the Government should see that this is fair and it should support us in ensuring that the people have a say.

The legislation we introduce now is not politically opportunist. We have tried it before. It is not the first time we have introduced it. In 1986 the Georgetown council was gobbled up. The council has sunk now and there is no local government identity. It was a small council, quite happy with no debt to speak of. The small communities do not count any more in the mad rush for economy of scale and any other academic wonders which leave country people wondering.

The former member (Hon. Murray Hill) proposed an amendment to the Local Government Act in November 1986 at the time the Council was debating legislation to do with improving the election process in local government, following a working party investigation after the 1986 local government elections. The Hon. Murray Hill, referring to the amendment (page 2249 of *Hansard*), stated:

... if a report to the Minister under the South Australian Advisory Commission recommends that two or more councils shall be amalgamated, then the Minister must immediately notify the councils.

It then goes on to state that the recommendation within the report that the Minister has must not be referred to the Government for proclamation for at least two months, and then during those two months a council affected by the recommendation would have the right to put the question to a poll within its area. A council is given six weeks in which to carry out the poll and, if one affected council within the recommendation objects through the machinery of the poll to the amalgamation, then the Minister shall not make any proclamation and the amalgamation shall not proceed.

The Hon. R.I. Lucas: How did the Government vote on this?

The Hon. M.B. CAMERON: It voted against it.

The Hon. R.I. Lucas: What did the Democrats do?

The Hon. M.B. CAMERON: The Hon. Ian Gilfillan also proposed an amendment which was picked up and supported the proposal that if the result of a poll was opposed to amalgamation it could not proceed. But the amendment

differed in relation to the majority of voters in a poll of all of the areas to which the proposal related. It was not just one council; it was the whole lot. Thus, a big council had advantage over a little council. Mr Hill's proposal was for only the electors in the area affected.

The Hon. R.I. Lucas: How did the Democrats vote on that proposal?

The Hon. M.B. CAMERON: Mr Gilfillan's amendment won the day with Government support. However, when it reached a conference of managers, it was discarded by the Government and the Democrats in that conference. They discarded their own amendment! Mr Gilfillan promised to bring back a private member's Bill—

The Hon. J.F. Stefani: Which he never did?

The Hon. M.B. CAMERON: No, he did. It was supported by this Chamber but, when it reached the Assembly, it got crunched. Here we are, three years later, introducing amending legislation to the Local Government Act seeking to do a number of things. First, it deals with polls and, secondly, it deals with the Flinders proposal.

The insertion of clause 29a seeks to provide that when the Local Government Advisory Commission reports that two or more councils be amalgamated or that the boundaries of the area or areas of one or more councils be altered or that a council be abolished, the Minister must as soon as practicable send a copy of the commission's report to any council directly affected, and give public notice of the recommendation. The recommendation must not be submitted to the Governor after the public notice has been given. During the two months, a council directly affected by the recommendation or 10 per cent or more of the electors directly affected by the recommendation can apply to the Minister for a poll.

The Minister must direct that the proposal or proposals to which the recommendation relates be submitted to a poll of electors for the area of the particular council. Section 29 (3), (4) and (5) will apply to that poll. That is the section dealing with the Minister summoning the arguments for and against the proposal. Copies of the summary must be made available for public inspection and either the council affected by the proposal or the Electoral Commission should conduct a poll. The recommendations of the commission cannot be submitted to the Governor for proclamation unless a majority of the electors voting at the poll vote in favour of the recommendation. This proposed amendment then gives the affected electors the final say. The people do want a say, and they have indicated that again recently.

Finally, clause 3 of the amendment makes special provisions for the City of Flinders. It simply says that the proclamation setting up the new City of Flinders on 29 June 1989 is revoked. By simply revoking the proclamation, the situation is returned to the point where the Minister has the Local Government Advisory Commission's recommendation. Public notice can be given of the proposal. The affected areas electors can vote at a poll, and the electors can have the final say. A vote for the proposal means it can proceed. A vote against the proposal means it stops dead.

That is very simple! The Opposition believes that the proposals in this amending Bill are very fair and very democratic. I trust that the Council will support this Bill. I trust that the Council will not fall for all the little traps being set to defeat this Bill. I trust that the other side will listen to the voice of democracy, which only comes from this side, because the Government has forgotten the people—it has forgotten that ratepayers are people. Members opposite just see ratepayers as little playthings for them to shift here and there—

The Hon. Diana Laidlaw: Walked all over them.

The Hon. M.B. CAMERON:—and to walk all over the top of. If they did not think that, members of the Government would have allowed a poll—in fact, they would have assured it. Most importantly, they would have brought forward the Henley and Grange proposals. Why is the Government frightened of bringing that forward? It is frightened of the political consequences. The fact is that everyone knows that Henley and Grange is a terrible political problem for the Government. It will not even put the recommendations before the people. It does not have the gumption to do that. A Bill such as this would certainly carry more weight than having the Premier trotting out to Mitcham council, sitting down and then coming back to make a submission. I do not understand this process that is being followed when it is people who are the basis of local government. It is important that this legislation is supported.

We urge support for this measure from both the Government and the Democrats and we urge that it receives rapid passage through the Parliament in order that Mitcham can be restored to its pristine state as it was before this Government went bumbling into the matter and caused such a terrible mess.

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

ANTARCTICA

The Hon. CAROLYN PICKLES: I move:

That this Council strongly supports—

1. the principle of Antarctica becoming a world heritage wilderness park and opposes the notion that Australia should become a signatory to the Antarctic Mining Convention.

2. the Federal Government's proposal to negotiate a comprehensive environmental convention for Antarctica.

In the late 1950s seven nations had laid claim to territory on Antarctica including Australia (laying claim to over 40 per cent). Five other nations, including the United States, the Soviet Union and Japan, reserved their rights to put forward territorial claims. However, rather than pursue territorial claims, these 12 nations in 1961 signed the Antarctic Treaty, which dedicated the region to scientific research and cooperation, and effectively froze claims made by countries to various areas. The treaty is due to be reopened for negotiation in 1991. These countries are all consultative parties and meet regularly to consider measures for the region. The nations are Australia, Chile, Norway, Argentina, France, South Africa, Britain, Japan, Soviet Union, Belgium, New Zealand and United States of America. There are now 10 more countries which are consultative parties including: Brazil, India, Sweden, China, Italy, Uruguay, West Germany, Poland, East Germany and Spain. A further 17 countries are party to the Antarctic Treaty (39 in all) representing some 80 per cent of the world's population. It is open for all States to become party to that treaty.

Important features of the treaty are: a stipulation that Antarctica should forever be used exclusively for peaceful purposes and not become the scene or object of international discord; it prohibits nuclear explosions and the disposal of nuclear waste, and measures of a military nature; it guarantees freedom of scientific research throughout the Antarctic, and promotes the exchange of information on scientific programs; it establishes a comprehensive system of on-site inspection by observers to promote the objectives of the treaty and ensure its observance; and it makes claims for territory inoperative. It is a credit to the countries involved that management of Antarctica has continued for

30 years in a spirit of international collaboration and goodwill, perhaps the only major 'conflict' on record for Antarctica being the race between Scott and Amundsen for the honour of reaching the South Pole first.

Since 1981, the consultative parties have established several conservation conventions for Antarctica including amongst others: Convention on the Conservation of Antarctic Marine Living Resources; the protection of specified areas of research from man's activities by establishing Sites of Special Scientific Interest; and guidelines for the evaluation of the environmental impact of proposed scientific research. In 1988 the Convention on the Regulation of Antarctic Mineral Resources Activities was drafted. The underlying assumption of the convention is that it is possible for mining to take place in Antarctica to be consistent with the protection of the environment. Before the convention can come into force, at least 16 of the consultative parties and all seven claimant States (including Australia) must ratify it.

The convention will not be ratified following the Federal Government's decision to not sign, a move which has since been supported by France, India and Belgium have also indicated support for Australia's initiative. Australia will pursue an alternative proposal to develop a comprehensive environment protection convention of the Antarctic, including the prospect of establishing an 'Antarctic Wilderness Park' at the next Antarctic Treaty Consultative Meeting in Paris in October 1989.

The main elements of the convention will be an agreement to protect Antarctica's environment and ecosystems, fully respect its wilderness qualities, respect its significance for regional and global environments, and protect its scientific value; a ban on mining; in regard to other activities, arrangements which would permit the assessment of the impact of proposed Antarctic activities or facilities; a means of determining whether sufficient knowledge exists to enable adequate impact assessment; an agreement not to undertake activities where there is insufficient knowledge to judge whether they are environmentally sound; and criteria and standards to enable those judgments to be made.

The Federal Government's initiative has bipartisan support in Australia as the Federal coalition Parties and the Democrats have also pledged to seek an Antarctica mining ban. A motion opposing mining in Antarctica has been passed by the Senate and a similar motion was passed unanimously in the Victorian Legislative Council. South Australia should also express strong support for the initiative. Antarctica is the world's last great wilderness. The Antarctic environment is the last unpolluted place of any size left on this planet. It provides habitat for many living species, its terrestrial ecosystems being very sensitive to disturbance. Its marine environment is also susceptible to excessive interference from human activity, with the crustacean krill being the pivotal species on which other species depend either directly or indirectly—take out this one species and the Antarctic food web will crumble. It provides a unique, pristine, scientific laboratory, much of the research conducted depends on the area under investigation being free from interference by people. Mining could well cause a breakdown in the current excellent international relations experienced in Antarctica.

In fact, the demand for minerals is not urgent on a global scale; there are plenty of fossil fuels (coal and oil) available elsewhere, as there is iron ore and copper. Antarctica is not known to contain significant concentrations of precious metals. A world park will not lock up minerals in Antarctica forever. They will still be there for future generations to utilise if the need arises and it becomes technically possible

to extract minerals in an environmentally safe manner. At the present time mineral exploration and mining in Antarctica poses unacceptable risks to the Antarctic environment.

The grounding of the *Exxon Valdez* and resulting oil spill in Alaska shows what can happen to environmental safeguards. In 1972, Exxon guaranteed that if it were allowed to explore in the Arctic it would use double-hulled ships and that every effort would be made to ensure that no accident occurred. The *Exxon Valdez* was a single-hulled ship. She had only 19 crew on board instead of the usual 33. Her captain was drunk. All of which shows what impact human greed and error can have on a fragile environment.

In any event, mining in Antarctica at the present time is unlikely to be in the best interests of the Australian mining industry. It would influence world mineral prices to the detriment of the Australian industry; a situation which could be worsened if unprofitable mining operations were subsidised by the superpowers for strategic purposes. Furthermore, the proposed Antarctic Mining Convention would remove Australia's rights to its territory claims. Australia will take the principled step of opposing mining in Antarctica and move to secure the area's future for all time through the establishment of a conservation convention to replace the original treaty. The Federal Government's initiatives should be applauded and strongly supported by all Australians. I urge members to support the motion.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 3)

The Hon. DIANA LAIDLAW obtained leave and introduced a Bill for an Act to amend the Equal Opportunity Act. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

This is the third occasion on which I have moved a Bill to amend the Equal Opportunity Act 1984, to incorporate the ground of age. The earlier occasions on which I introduced amendments were 23 March 1988 and 22 February 1989. On that latter occasion, the Bill passed this Council on 12 April 1989. That Bill then proceeded to the other place, but there was no time to debate it in that place because Parliament rose for the recess.

At that stage the Bill had wide community support. I emphasise that support had been received in written form from DOME (Don't Overlook Mature Expertise); the Aged and Invalid Pensioners' Association of South Australia; VOTE (Voice of the Elderly); the Over Sixties Radio Association; the Older Women's Advisory Committee; the Women's Information Switchboard; the Retired Trade Union Members' Association; the Salisbury Task Force on the Ageing; the Ethnic Communities Council of South Australia; SACOTA (South Australian Council on the Ageing); and the Australian Council for the Ageing. The Bill had wide community support and the support of the majority of members in this place. However, the Bill did not have the support of Government members, and the Government refused to support the measure. A week earlier, in a ministerial statement, the Attorney-General explained that the Task Force on Age Discrimination had recommended legislation to amend the Equal Opportunity Act. It was also explained that the Government would introduce its own Bill in the forthcoming August session of Parliament. I

understand that today the Attorney-General gave notice of such a measure.

To my disappointment and the disappointment of all who have taken an active interest in this question, the task force report has not been released by the Government in the period between the Attorney-General's ministerial statement on 4 April and now. That decision by the Government, to withhold the recommendations and report of the task force, is very disappointing. It also constitutes a handicap with respect to the successful implementation and acceptance of this measure in the community.

The Government will appreciate that, in the past, all such equal opportunity measures were aimed largely at affecting attitudinal change, as well as structural change in the community. This measure requires community acceptance in order for equal opportunity legislation to achieve its goals.

The Government's failure to release the task force report identifying the reasons for change and encouraging community discussion on this issue is enormously disappointing. It is disappointing from the viewpoint also that community concern exists on this measure. I have highlighted that concern on earlier occasions when speaking on this issue. The employers in particular are concerned about the impact of the measure in the workplace and the cost implications of it. It would have been courteous for employers at large to be given a copy of the task force report so that they can understand the rationale for the changes which I have been proposing for some time and which the Government is now also proposing.

Since the Government indicated that it would not support the Bill which I introduced in February this year and which passed on 12 April, I note that the Victorian Law Reform Commission has recommended implementation of age discrimination laws in that State in a wide-ranging review of its Equal Opportunity Act. The Victorian Government has not yet responded to that report by the Law Reform Commission of Victoria. However, the Western Australian Government has indicated that it proposes to move in this area and, as I indicated earlier, the New South Wales Government proposes to act in this matter.

The Human Rights Commission has taken a longstanding interest in this issue, and certainly I have kept in touch with it over some two years. I understand that a successful conference was held three weeks ago, organised by the Human Rights Commission of Australia together with the Australian Council on the Ageing and the Youth Affairs Council of Australia. That conference, opened by the Governor-General, strongly endorsed the need for both State and national legislation to address the issue of age discrimination. The conference also proposed that the Human Rights Commission, together with the two other bodies, establish a joint working party to pursue State and national legislation. In addition, I understand that the International Council on the Ageing, together with the Human Rights Commission, is working on a new international declaration on ageing that will be advocating age discrimination legislation. It is proposed that it be considered by the United Nations in about two years, when it is designated possibly to be the year of the ageing.

I come back briefly to the rationale for the Government's proposing to move its own legislation on this matter rather than support my earlier endeavours to introduce legislation to ban age discrimination in this State with its decision today to introduce its own measure. In discussing the Bills that I have introduced in the past, I have spoken at some length with the Commissioner for Equal Opportunity. It was my clear understanding from those discussions that many Acts within this State (158, I understand) have age

related provisions. The Commissioner suggested that my Bill could be improved by a reference to each of those pieces of legislation, accompanied by a proposal on whether they should be exempted from the provisions of age discrimination legislation or for those provisions no longer to apply. I indicated to the Commissioner at the time, and have stated publicly since, that with the resource of one-fifth of a secretary provided to me in the Legislative Council, it was absolutely physically and mentally impossible to go through every Statute in detail to discover which provisions may relate to age discrimination.

Whilst I accepted the course proposed by the Commissioner, it would be better if my Bill were amended to incorporate her concerns—concerns which I have indicated in the past I would be prepared to accommodate by accepting amendments from the Government. Clearly the Government, however, is not prepared to follow that course and seeks to discredit the measures I have introduced on this issue whilst proceeding with its own legislation. It could quite easily have sought to amend my Bill. It is enormously disappointing, in considering the community goodwill that must be generated, to ensure that this measure is accepted and accommodated in the community so that people, whether in employment or in the provision of accommodation, goods, or finance, are not discriminated against on the basis of age.

I raise another matter in relation to the Attorney-General's ministerial statement of last April. He indicated at the time that legislation was being drafted and that the task force would consult widely and 'commence talks with groups such as employers, unions, service and accommodation providers'. It is of concern, considering the motion moved by the Attorney-General today, that there has been no consultation by the task force with employer groups on the measure of age discrimination. It is an absolute disgrace that the rationale for the Government not supporting my Bill last April was that it would consult with employers, unions, and the like on this matter.

Over the course of the past few months the Government has dismally failed to honour that commitment or to pay employers and other groups the courtesy of canvassing its Bill with them. Considering that lack of commitment by the Government to this measure, I am even more determined to proceed with the Bill standing in my name, and can say with confidence it has been the subject of discussion with the very groups that the Government has ignored with respect to its own Bill. My Bill has been subject to such discussions for some two years.

There are two special features of my Bill that I want to highlight briefly. First, there is a provision for the Bill to be implemented over a staged period. This was considered to be particularly important because employers in this State are not only facing enormous cost pressures, as all honourable members would appreciate, but also they are confronted with the implementation of the Federal Government's affirmative action legislation and award restructuring. It seemed to me and to the Liberal Party as a whole that, if the provisions in this Bill were to be accepted by employers and discussed and fully understood within the work force, sufficient time should be provided to enable such appreciation and understanding and for development of discussion.

This progressive implementation of the measure also provides, as did the Federal Government's affirmative action legislation some years ago, for the measure to apply to companies of over 1 000 employees and later for companies with 500 employees and above, and then, progressively, other companies with less than 500 employees. I believe

that is reasonable, considering the burden placed on business, both in the financial and administrative sense, and in respect of the award restructuring occurring at present.

Also a provision in the Bill inserts a new section after section 96 of the principal Act. This relates to the awarding of compensation in respect of frivolous proceedings. It would apply not only in respect of frivolous, vexatious, or misconceived complaints, or those complaints lacking in substance that relate to age discrimination, but to all of the sections of the principal Act. It has been my experience, through representations, and certainly the experience of employer groups, that there has been an increasing number of what are deemed to be vexatious complaints, which cost the subject of that complaint considerable costs to disprove, and considerable time, energy, and distress—notwithstanding that such complaints are, in the view of the Commissioner, vexatious and subsequently dropped.

The most recent instance of my receiving details of such a vexatious complaint directed to the Commissioner's office for investigation was in mid-July. I wrote to the Attorney-General about this matter on 17 July but, regrettably, I have not even received an acknowledgment of my representations. However, it is a fact that complaints were made to the Commissioner's office about sexual harassment and the like. The Commissioner's office subsequently advised the employer concerned—and also his wife, in fact, because his wife was a partner in the firm. The Commissioner's office wrote eight letters to the complainant, asking the woman concerned to get in touch with the Commissioner's office to provide further detail and have discussions and the like. All eight letters received no response.

The complainant has since moved to Queensland, and the Commissioner's office considers that there is no reason to pursue inquiries. The Commissioner's office has no basis for doing so, anyway, and the inquiries will be dropped. However, what has angered the employer, and justifiably so, is that he is out of pocket for about \$1 000 so far in legal expenses, and he would like his name cleared. If a complaint is lodged and the Commissioner's office decides not to pursue it, it does not necessarily mean that the management or owner of a firm has the complaint wiped off the record. It still stands. As I say, in the case referred to that was of great concern to the employer and his wife. He would like compensation for both the legal costs and the embarrassment incurred. Clause 6 of my Bill provides for him to claim such compensation.

I conclude by saying that I and the Liberal Party have had a long interest in this subject of age discrimination. We have been keen to move for the Equal Opportunity Act to be amended to incorporate the ground of age as relating to discrimination. We have actively pursued this measure in this Parliament on several occasions, beginning in early 1988. This determination on the part of the Liberal Party is in line with our commitment of some many years to equal opportunity, as demonstrated by the fact that the first Equal Opportunity Bill in this country was initiated by former Liberal member, David Tonkin, back in the early 1970s.

We have a proud record in respect of equal opportunity. We have been striving for a long time to ensure that the legislation also incorporates provisions for prohibition of discrimination on the ground of age. We will continue to do so. I am disappointed that the Government has not supported our endeavours to date, but we do look forward to seeing the Government's proposal. We would also like to see—and so would the community—the task force report on age discrimination. It is a disgrace and a shame that that has not been supplied to the Parliament or to the commu-

nity generally for discussion. I now seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides that the Act will come into operation on 1 July 1990 (subject to the operation of clause 8). Clause 3 provides for the grounds of age to be incorporated into the long title of the principal Act.

Clause 4 inserts a new Part VA to provide for the prohibition of discrimination on the grounds of age. The provisions are as follows:

Section 85a sets out the criteria for establishing discrimination on the basis of age. Section 85b makes it unlawful for an employer to discriminate against applicants and employees on the basis of age. Section 85c is a similar provision dealing with the situation in which work is done by commission agents. Section 85d is a similar provision dealing with the case where work is done for a person under an arrangement between that person and an employment agency which employs the worker. Section 85e prohibits discrimination by a firm against existing or prospective members of the firm. Section 85f provides that the above provisions do not apply in the case of employment in a private household; to employment for which there was a genuine occupational qualification that the employee be of a certain age, or age group; or to employment where a person would not be able to perform the work without endangering himself/herself or to respond adequately to situations of emergency. Furthermore, subsection (4) provides that this division does not render unlawful discriminatory rates of salary or wages payable according to age, or to the imposition of a standard retiring age. Subsection (5) will allow other exemptions to be prescribed by the regulations. Sections 85g and 85h comprise a division dealing with discrimination in relation to the provision of services and accommodation. Sections 85i to 85l comprise a division dealing with exemptions from this Part. Section 85i exempts charitable trusts from the operation of the foregoing provisions. Section 85j permits acts done for the purpose of carrying out a scheme intended to ensure that persons of a particular age group have equal opportunities with persons of other age groups. Section 85k permits discrimination in the terms of annuities, life insurance and other forms of insurance; in the terms of membership of a superannuation scheme or provident fund; and in the manner in which such schemes or funds are administered. The section will also permit discrimination that, in all the circumstances of the particular case, is reasonable. Section 85l allows for the operation of any other law that provides for or authorises discrimination on the basis of age.

Clause 5 amends section 96 of the principal Act to ensure that the tribunal is able to dismiss or annul proceedings that are considered to be frivolous, vexatious, misconceived or lacking in substance. Clause 6 will empower the tribunal to award compensation in favour of a person who has been the subject of a frivolous, vexatious, misconceived or unmeritorious complaint.

Clause 7 provides for the grounds of age in proceedings under the Industrial Conciliation and Arbitration Act. Clause 8 is a transitional provision that provides that the amendments effected by the Act will not apply in relation to employment by an employer who employs less than 500 employees until 1 July 1991.

The Hon. G. WEATHERILL secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

The Hon. K.T. GRIFFIN obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

This Bill seeks to amend the Constitution Act and, in conjunction with the Referendum (Electoral Redistribution) Bill 1989 which is to be introduced this afternoon, provides for a referendum to be held at the forthcoming State election to enable a redistribution of electoral boundaries to be held after that election. It also provides that, in effect, there will

be a redistribution after every second election, provided that each is held on or about the fourth year of each term.

What prompts action is the latest set of figures from the Electoral Commissioner which shows that 10 electorates out of 47 are either above or below the quota by a percentage in excess of the 10 per cent tolerance allowed by the Constitution Act. For example, at 31 May 1989 the seat of Fisher was 29.97 per cent over the quota of 20 369 electors. On the other hand, the electorate of Elizabeth was 17.42 per cent below the quota at that date, Ramsay was 21.99 per cent over the quota and Whyalla 13.58 per cent under the quota. And this after only four years since the last redistribution came into effect. I seek leave to have incorporated in *Hansard* a table which shows the electors on the roll at 11 August 1988, 31 October 1988, 9 February 1989 and 31 May 1989 for all electorates.

Leave granted.

TABLE 1

Name of District: 1983 Distribution	11.8.88		31.10.88		9.2.89		31.5.89	
	Electors on Roll 938 614 (Excludes C/W only electors) Quota: 19 971	% Deviation from Quota	Electors on Roll 945 729 (Excludes C/W only electors) Quota: 20 122	% Deviation from Quota	Electors on Roll 936 399 (Excludes C/W only electors) Quota: 19 923	% Deviation from Quota	Electors on Roll 957 339 (Excludes C/W only electors) Quota: 20 369	% Deviation from Quota
Adelaide	19 320	-3.26	19 358	-3.80	18 518	-7.05	19 082	-6.32
Albert Park	21 225	+6.28	21 299	+5.85	20 853	+4.67	21 692	+6.50
Alexandra	21 469	+7.50	21 680	+7.74	21 759	+9.22	22 181	+8.90
Baudin	21 731	+8.81	22 083	+9.75	21 935	+10.10	22 633	+11.11
Bragg	20 334	+1.82	20 404	+1.40	20 262	+1.70	20 715	+1.70
Briggs	19 353	-3.09	19 459	-3.29	19 357	-2.84	20 058	-1.53
Bright	20 832	+4.31	21 066	+4.69	20 863	+4.72	21 213	+4.14
Chaffey	20 350	+1.90	20 505	+1.90	20 320	+1.99	20 631	+1.29
Coles	18 531	-7.21	18 681	-7.16	18 620	-6.54	18 753	-7.93
Custance	18 433	-7.70	18 608	-7.52	18 513	-7.08	18 386	-9.74
Davenport	19 272	-3.50	19 450	-3.34	19 392	-2.67	19 580	-3.87
Elizabeth	16 894	-15.41	16 927	-15.88	16 680	-16.28	16 820	-17.42
Eyre	18 003	-9.85	18 181	-9.65	18 066	-9.32	18 224	-10.53
Fisher	25 083	+25.60	25 630	+27.37	25 745	+29.22	26 474	+29.97
Flinders	18 883	-5.45	18 894	-6.10	18 796	-5.66	18 788	-7.76
Florey	21 705	+8.68	22 317	+10.91	22 332	+12.09	23 454	+15.15
Gilles	18 192	-8.91	18 250	-9.30	17 769	-10.81	18 239	-10.46
Goyder	21 508	+7.70	21 707	+7.88	21 687	+8.85	21 837	+7.21
Hanson	19 342	-3.15	19 336	-3.91	19 193	-3.66	19 560	-3.97
Hartley	19 623	-1.74	19 667	-2.26	19 544	-1.90	19 860	-2.50
Hayward	18 386	-7.94	18 385	-8.63	18 179	-8.75	18 428	-9.53
Henley Beach	20 280	+1.55	20 361	+1.19	20 246	+1.62	20 836	+2.29
Heyden	20 688	+3.59	20 937	+4.05	20 888	+4.84	21 039	+3.29
Kavel	21 489	+7.60	21 902	+8.85	21 902	+9.93	21 989	+7.95
Light	21 167	+5.99	21 488	+6.79	21 430	+7.56	21 853	+7.29
Mawson	21 505	+7.68	21 958	+9.12	21 932	+10.08	22 809	+11.98
Mitcham	19 992	+0.11	20 091	-0.15	19 914	-0.05	20 029	-1.67
Mitchell	18 869	-5.52	18 942	-5.86	18 720	-6.04	19 156	-5.96
Morphett	18 901	-5.36	18 978	-5.69	18 647	-6.40	19 151	-5.98
Mount Gambier	19 687	-1.42	19 832	-1.44	19 609	-1.58	19 942	-2.10
Murray-Mallee	19 814	-0.79	20 024	-0.49	19 896	-0.14	20 053	-1.55
Napier	18 651	-6.61	18 877	-6.19	18 705	-6.11	19 812	-2.73
Newland	21 597	+8.14	21 840	+8.54	21 777	+9.31	22 551	+10.71
Norwood	19 376	-2.98	19 318	-4.00	18 839	-5.44	19 540	-4.07
Peake	20 035	+0.32	19 976	-0.73	19 732	-0.96	19 945	-2.08
Playford	19 900	-0.36	20 005	-0.58	19 731	-0.96	20 301	-0.33
Price	20 437	+2.33	20 457	+1.66	19 925	+0.01	20 439	+0.34
Ramsay	22 725	+13.79	23 346	+16.02	23 308	+16.99	24 849	+21.99
Ross Smith	19 053	-4.60	19 090	-5.13	18 535	-6.97	18 770	-7.85
Semaphore	19 715	-1.28	19 745	-1.87	19 376	-2.75	19 857	-2.51
Spence	20 075	+0.52	20 172	+0.25	19 755	-0.84	20 377	+0.04
Stuart	19 310	-3.31	19 366	-3.76	19 251	-3.37	19 862	-2.49
Todd	20 038	+0.34	20 145	+0.11	20 047	+0.62	20 605	+1.16
Unley	19 694	-1.39	19 803	-1.59	19 416	-2.54	20 087	-1.38
Victoria	20 337	+1.83	20 413	+1.45	20 192	+1.35	20 221	-0.73
Walsh	19 147	-4.13	19 173	-4.72	18 890	-5.18	19 056	-6.45
Whyalla	17 663	-11.56	17 603	-12.52	17 353	-12.90	17 602	-13.58
TOTAL FOR STATE	938 614		945 729		936 399		957 339	

The Hon. K.T. GRIFFIN: The provisions which govern an electoral redistribution are in Part V of the State's Constitution Act. A redistribution is made by the Electoral Districts Boundaries Commission pursuant to section 82 (2) either as soon as practicable after the enactment of an Act that alters presently or prospectively the number of members of the House of Assembly or within three months after a polling day if five years or more has intervened between a previous polling day on which the last electoral redistribution made by the commission was effective and that later polling day.

The most recent determination of the Electoral Boundaries Districts Commission was made on 22 September 1983 based on figures for electorates on 29 July 1983, and was first the basis of an election in December 1985. If three year parliamentary terms had remained in South Australia one could have expected a redistribution after the 1991 or 1992 election to come into effect for the 1994 election. However, with the introduction of four year terms from the

election of 1985 a redistribution would not be possible on the present provisions of the Constitution Act until after the 1994 State election to come into effect in 1998. It is quite clear that if there were not to be a redistribution coming into effect until that time there would be grossly disproportionate electorates much worse than those at the present time.

Some appreciation of the changes in the electoral numbers within the electorates even from the date of 29 July 1983 upon which the 1983 redistribution was made and the December 1985 State election will demonstrate that within 2½ years substantial changes had occurred in the variations of electorates from the quota determined at the close of rolls on 18 November 1985. I seek leave to have incorporated in *Hansard* a table of a statistical nature showing the numbers of persons on the roll at the time of the redistribution and the persons enrolled at the close of rolls on 18 November 1985, together with variations from the quota.

Leave granted.

TABLE 2

Electorate	Persons on roll at time of redistribution 29.7.83*	% Variation from Quota at redistribution	Persons enrolled at close of roll 18.11.85	% Variation from Quota at close of roll
Adelaide	19 221	+2.98	19 116	-0.8
Albert Park	19 217	+2.96	20 094	+4.3
Alexandra	17 574	-5.85	19 890	+3.2
Baudin	18 230	-2.33	20 066	+4.1
Bragg	19 786	+6.01	19 995	+3.8
Briggs	17 133	-8.21	18 158	-5.8
Bright	18 438	-1.22	19 601	+1.7
Chaffey	19 065	+2.14	19 614	+1.8
Coles	17 664	-5.36	17 859	-7.3
Custance	17 565	-5.89	18 133	-5.9
Davenport	18 011	-3.50	18 730	-2.8
Elizabeth	17 034	-8.74	17 025	-11.6
Eyre	17 143	-8.15	17 676	-8.3
Fisher	18 463	-1.08	21 998	+14.2
Flinders	18 164	-2.68	18 901	-1.9
Florey	18 593	-0.39	19 449	+0.9
Gilles	18 735	+0.38	18 297	-5.0
Goyder	19 390	+3.88	20 923	+8.6
Hanson	19 160	+2.65	19 196	-0.4
Hartley	19 070	+2.17	19 402	+0.7
Hayward	18 646	-0.10	18 652	-3.2
Henley Beach	19 549	+4.74	19 790	+2.7
Heysen	17 392	-6.82	19 089	-0.9
Kavel	18 306	-1.92	20 085	+4.2
Light	18 906	+1.29	19 981	+3.7
Mawson	18 165	-2.68	19 724	+2.4
Mitcham	19 912	+6.68	19 758	+2.5
Mitchell	18 576	-0.48	18 866	-2.1
Morphett	18 502	-0.87	18 683	-3.0
Mount Gambier	18 192	-2.53	18 742	-2.7
Murray-Mallee	18 868	+1.09	19 662	+2.1
Napier	17 118	-8.29	18 156	-5.8
Newland	18 940	+1.47	20 237	+5.0
Norwood	18 923	+1.38	18 826	-2.3
Peake	19 848	+6.33	19 668	+2.1
Playford	19 207	+2.90	19 283	+0.1
Price	20 193	+8.19	19 905	+3.3
Ramsay	17 844	-4.40	19 586	+1.7
Ross Smith	18 941	+1.48	19 177	-0.5
Semaphore	18 553	-0.60	18 934	-1.7
Spence	19 870	+6.46	19 554	+1.5
Stuart	18 896	+1.24	18 880	-2.0
Todd	18 117	-2.94	18 867	-2.1
Unley	19 902	+6.63	19 576	+1.6
Victoria	19 653	+5.29	20 139	+4.5
Walsh	19 773	+5.94	18 998	-1.4
Whyalla	18 793	+0.69	18 566	-3.6
TOTAL ENROLMENT	877 241		905 507	

* The Electoral Commission determines the 'relevant date' and the number of electors enrolled at the relevant date. The electoral quota is determined by dividing:

Total electors	+ 1 =	877 241	= 18 655	QUOTA AT CLOSE OF ROLL	19 267
House of Assembly Seats		47			
10% below quota =		16 799		10% below quota =	17 340
10% above quota =		20 531		10% above quota =	21 194
INCREASE IN ENROLMENT (29.7.83 to 18.11.85) = 28 266 = 3.22 per cent					

The Hon. K.T. GRIFFIN: Even at the date of the 1985 State election two electorates were outside the 10 per cent tolerance from the quota. If one were to take the two extreme examples from the first table, Fisher with 26 474 electors at 31 May 1989 and Elizabeth with 16 820 electors at the same date, Fisher is 6 105 electors above the quota and Elizabeth is 3 549 below the quota, a difference between them of 9 654 electors. In other words, if one were to focus on equality of votes, one would find that a Fisher vote is worth only 63.53 per cent of an Elizabeth vote. This issue was drawn to the attention of all political Parties as well as that of the President and Speaker by the Chairman and members of the Electoral Districts Boundaries Commission by letter of 14 July 1987. In drawing attention to this matter it said in the letter:

In the event that that term were for a period of four years, then redistribution proceedings would commence in 1994 with an order being made in that year or in 1995. This means that 11-12 years may elapse between the 1983 order of the commission and its next order. On the other hand, if the minimum three year terms could be relied upon, then the period between redistributions would be 9-10 years.

I should say at this point that the period would be longer if the time were measured from the date when the 1983 order of the commission was made and the date when the next redistribution came into effect on a polling day. The letter went on to state:

In either event, the commission is obliged to suggest that the chance of malapportionment between the number of electors per district, is likely to increase with the passage of time. While the 1983 redistribution is still holding firm (45 Assembly Districts remain within the permissible tolerance), it is impossible to predict how much longer this situation will remain. Your attention is drawn to paragraph 12 of the commission's 1983 order in which it stated, '... While the commission would hope that as few as possible of the new electoral districts will fall out of tolerance during the life of the commission's order, the statistical materials available to the commission, as a result of periodic reviews of the electoral rolls since 1976, indicate that the variations in enrolments for electoral districts, even over relatively short periods, can be—indeed they have been—of so great a magnitude as to make it virtually impossible to predict what variations in the permissible tolerance are likely to occur in the future.' This view was derived from the fact that in July 1983, 19 of the 47 districts determined in 1976, were outside the permissible tolerance, in some cases by more than 30 per cent. Even if only a few districts (two at present) are seriously out of tolerance, a correction in due course can have a significant 'domino' effect on other districts.

The commission suggests that it may be appropriate to review the situation in view of the extended parliamentary terms and stated:

While the commission is not inclined to recommend alternative arrangements to effect more frequent redistributions, the reinstatement of earlier intentions could be achieved by amending the legislation to activate the commission after every second election or 'x' years, whichever is the longer period. Past history suggests that 'x' might be 7 years or thereabouts.

The proposal which is included in the Bill is for a redistribution in the context of the issue which we are presently discussing:

Within three months after a polling day if four years and three months has intervened between the day on which the last electoral

redistribution made by the commission is published in the *Gazette* and that polling day.

Effectively, this means that after every second poll where a Government serves its full term of four years there would be a redistribution. This brings the boundaries within a more manageable time period so that, whilst there are more regular adjustments to boundaries, nevertheless the dramatic change which is reflected in the first table to which I referred is less likely to be such a major problem.

Of course, to undertake the amendments now and to hold a referendum at the time of the forthcoming election would save a considerable amount of money, perhaps as much as \$2.5 million, from that situation where a referendum is held separately from an ordinary State election. The Government has had two years to address this issue but has not done so. It is for this reason that, with an election in the near future, the Opposition introduces this Bill. One should not expect that by holding a referendum and obtaining a redistribution it would necessarily be a fair electoral redistribution. I do not say this in the context of criticism of the Electoral Boundaries Commission, but in the context of comment by political scientists and others on the result of elections on particular boundaries.

I want now to address the issue of electoral fairness or electoral justice. It is a vexed question. This issue has been debated by many people over many years, some of those people holding opposing points of view. The Hon. Ren DeGaris, Dr Dean Jaensch and the Electoral Reform Society all have their own views on what is electorally fair, and the debate which occurs periodically is stimulating. Of course, the Electoral Reform Society would argue for proportional representation across the State as the only fair system of elections for the House of Assembly rather than the present single member electorates. Others would argue for the West German system where there are single member electorates topped up by choosing from party lists. Dr Jaensch would argue that it is possible for either major Party to win Government with 45 per cent of the two-Party preferred vote, and that would be hotly denied by political scientists such as Mr Malcolm Makerras.

The only way to assess whether or not the result of an election is fair in political terms is to look at the voting results at past elections. In South Australia in 1975 the Liberal Party would have required 55 per cent of the two-Party preferred vote across the State to have had a reasonable prospect of governing. In 1977 it was 55.3 per cent; in 1979, 54.8 per cent; in 1982, 51.9 per cent; in 1985, 51.1 per cent; and in 1989 it is estimated that the Liberal Party requires 52 per cent of the two-Party preferred vote to have a reasonable prospect of forming a government.

The Attorney-General, in response to a question which I raised last Thursday, misrepresented the position of the Leader of the Opposition (Mr John Olsen). The Attorney-General rubbished a comparison of voting outcomes in South Australia and Queensland and sought to ridicule the stand which Mr Olsen took on the Federal referendum question last year. With respect to this latter point the Liberal Party's view is that electoral boundaries are matters

for the States and that is where the issue must be resolved but, more importantly, the simplistic question on a complex issue at the last referendum would not have assured fair elections and no gerrymander. It relied only on an equality of numbers and not other criteria.

In any event, although the Attorney-General said that the passing of the referendum would have resulted in a redistribution in South Australia in this election, that is just not true. A redistribution under the Federal referendum proposal would have occurred only if more than one-third of the seats was under or over the quota by more than 10 per cent. Only 10 seats out of 47 in South Australia are out of kilter, not a third.

Of course, one could say in passing that the problems in Queensland arose largely because the Labor Party, when in government many years ago, abolished the Upper House against an overwhelming show of support at a referendum for retention of its Upper House. If it had an Upper House to act as a check on the government of the day, there would be less likely to be the problems in Queensland that are there at the present time.

The comparison with Queensland by Mr Olsen was not a matter of procedures. He was comparing voting outcomes and indicating that in Queensland there is an advantage to the coalition, that is, Liberal and National Parties of 1.5 per cent, whilst in South Australia there is an advantage in the present boundaries to the ALP of 2 per cent. At the last election in Queensland in any event the ALP polled only 46 per cent of the Statewide vote, and would not have been able to govern on that basis.

There is no doubt that the procedures which South Australia adopts and which are enshrined in our Constitution Act provide a fair mechanism for dealing with electoral redistributions, appointing a Senior Puisne Judge of the Supreme Court as Chairman, with the holders of the offices of Electoral Commissioner and Surveyor-General as ordinary members of that commission. It is independent and has a duty to undertake electoral redistributions at pre-determined times on particular criteria. This decision is subject to appeal to the Full Supreme Court of South Australia.

Whilst the catchcry 'one vote, one value' has attraction, nevertheless if one were to relate that only to numerical equality or to electorates within a 10 per cent tolerance on either side of a quota that will not necessarily result in a politically fair redistribution and that is the essence of the concern which has been expressed by a number of people about redistributions. One has only to look at some boundaries drawn by legislatures in the United States, the home of the gerrymander, to realise the significance of that statement. In the state of Indiana, for example, the Democrats gained 51.9 per cent of the statewide vote and won 43 of the 100 seats. That is not a fair result. Any number of other examples demonstrate the unfairness of various redistributions made in the States of the United States.

Dr Colin Hughes, the Electoral Commissioner for the Commonwealth, presented a paper in 1983 on the subject, distinguishing between 'equality' when referring to electors grouped by electoral districts and 'fairness' when we refer to electors grouped by support of a Party. He says:

Under a Westminster model parliamentary system, the object of an election is to win at least a bare majority of seats in the legislature—50 per cent plus one of the seats—in order to form the government and secure the perquisites and opportunities of office. The best measure of fairness will be the relative ease (expressed as the necessary minimal proportions of the total vote each would require) with which each of the major Parties could attain that object. In practice, it is most unlikely that the election will be so narrowly balanced, with the winning Party having only

that barest of majorities; it will be necessary to adjust the share of the total vote figures to meet at that point.

He goes on to illustrate his point in relation to the South Australian election in 1982 by indicating that 'the proportion of the total two-Party preferred vote the ALP required to win was 47.3 per cent (50.9 minus 3.6)'. He says that, 'the Liberals would have required an additional 3.7 per cent to have won the necessary twenty-fourth seat, so their required share would have been 52.8 per cent (49.1 plus 3.7)'. He then points out that 'the difference between those two figures is 5.5 per cent (52.8 minus 47.3), and that will be the measure of fairness, favouring on this occasion the ALP.'

Under the State Constitution Act, in arriving at its conclusion the Electoral Boundaries Commission is directed to make an electoral redistribution which means 'a division of the State into electoral districts'. The emphasis of the entrenched provisions of the Constitution Act is on equality of numbers, but in making a redistribution it must take into account certain criteria. Section 83 provides:

For the purpose of making an electoral redistribution, the commission shall as far as practicable have regard to—

- (a) the desirability of making the electoral redistribution in such a manner that there will exist, as far as reasonably possible, amongst the population of each electoral district, a community of interest (of an economic, social, regional or other kind);
 - (b) the population of each proposed electoral district;
 - (c) the desirability of leaving undisturbed as far as practicable and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral districts;
 - (d) the topography of areas within which new electoral boundaries will be drawn;
 - (e) the feasibility of communication between electors affected by the redistribution and their parliamentary representatives in the House of Assembly;
- and
- (f) the nature of substantial demographic changes that the commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the time when proceedings are likely to be next taken for the purpose of making an electoral redistribution,

and may have regard to any other matters that it thinks relevant.

This does not require any political weight to be assessed. Numbers are what count—not electoral 'fairness'. In fact, in its last determination the commission said it was not permitted to look at 'outcomes' of redistribution. It is for this reason that I propose an amendment to the criteria which will allow the commission to take into consideration that question of electoral fairness by moving an additional criterion as follows:

- (g) the desirability that a political Party or group gaining 50 per cent plus one of the two-Party preferred vote at a general election of members of the House of Assembly at which the proposed electoral redistribution would apply should have a reasonable prospect of forming a government.

It is the Liberal Party's view that this factor ought to be one of the criteria which the Electoral Boundaries Commission takes into consideration in determining the boundaries upon which State Governments will be elected. By inserting this criterion we ensure that not only is the focus upon equality of numbers but that, as much as it is possible to achieve within the tolerances, electoral fairness must be assessed. This then coincides with widely accepted principles of electoral justice.

I make only one other observation about the Bill. There is a provision in the Constitution Act which requires the referendum to be held not less than two months after the day on which a Bill to amend the Constitution Act is passed by Parliament. I really see no need to have that included and if there is to be a State election this year, as many people expect, it is important that, if we are going to have

a referendum at the time of the election, this minimum time period should be removed. It does not prejudice, either in respect of this Bill or in the long term, the procedures for amendment to this part of the Constitution Act. I commend the Bill to members.

The Hon. G. WEATHERILL secured the adjournment of the debate.

REFERENDUM (ELECTORAL REDISTRIBUTION) ACT

The Hon. K.T. GRIFFIN obtained leave and introduced a Bill for an Act to provide for the holding of a referendum of electors relating to electoral distribution. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

This Bill facilitates the holding of a referendum of electors on the Bill relating to amendment to the Constitution Act relating to electoral redistribution. It follows generally the provisions of the last Referendum Act in South Australia relating to daylight saving. An elector is a person who is, on the day on which the referendum is held, an elector for the House of Assembly, and the referendum is to be conducted by the Electoral Commissioner.

The form of the question to be submitted to electors is undoubtedly the key to the Bill. The question is:

Do you approve of the Constitution Act Amendment Bill 1989 relating to electoral redistributions?

On the basis that there will be an explanatory statement issued to electors and that it will explain the amendment to the Constitution Act it would not seem necessary to make the question more complicated than I have referred already.

The elector will be required to write a 'Yes' or a 'No' in the square on the ballot paper opposite the question. This Bill is necessary because of the entrenched provisions of the Constitution Act which require a referendum before an amendment to those provisions can become law. The provisions of the Electoral Act are applicable to the referendum. I commend the Bill to members.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

COUNCIL BOUNDARIES

The Hon. J.C. IRWIN: I move:

That this Council censures the Bannon Government and the Minister of Local Government for their inept and undemocratic handling of the Mitcham debate which led to the proclamation of the City of Flinders. The Minister's performance on behalf of the Bannon Government has done great damage to local government, to people's perception of what is fair and undermined the democratic process.

The motion has a number of elements to it that are quite obvious: first, to censure the Bannon Government for the inept handling of the Mitcham debate leading to the proclamation of the City of Flinders; secondly, to censure the Bannon Government for its undemocratic handling of the Mitcham debate leading to the proclamation of the City of Flinders; thirdly, to censure the Minister for her performance in the portfolio of local government as it has damaged the standing of local government; and, fourthly, to censure the Minister of Local Government whose actions and decisions on behalf of the Government have not allowed a fair result to flow from the original Blackwood Hills proposal,

as put to the Local Government Advisory Commission, so far as the Blackwood Hills people and the people of the Mitcham council are concerned. This view is shared by the wider community of South Australia.

We need no more than the performance today of both the Premier and the Minister of Local Government to justify and, in fact, add to this motion. They are inept. They have not acted democratically. Their performance has damaged local government's standing in the eyes of the people and the Flinders result is not fair and is still not seen to be fair. This Government lurches from one problem to another, from one crisis to another. The people of Mitcham must wonder whatever is going on as they are punched from one pillar to another. The Government seeks to manipulate the system so that the public has now become so outraged that the Government wants to hide away from this problem for as long as it can, or certainly until after the election, or hope it can come up with a solution that will get it off the hook. I put it to members that, whatever happens now, the damage has been done to this Government and the damage cannot be retrieved.

Today's press release from the Premier is headed, 'Government to make submissions to the boundary commission on Mitcham,' and states:

The Premier, Mr Bannon, said today that the Government would make an official submission to the Local Government Advisory Commission asking it to take into account local opposition to proposed changes to the Mitcham council boundaries.

As I stated in Question Time today, if this is now called an official submission, I wonder what the first proposal was that was put back to the Local Government Advisory Commission.

We are told today by the Minister that this is a new proposal and it is used as a technicality. Now we are having submissions to that new proposal. I presume that it must be open to all to make submissions on the submission made by the Government to the new technical proposal that was put to the Local Government Advisory Commission some weeks ago. The new proposal relating to Mitcham and Henley and Grange councils' submissions should now be published. Mr Bannon's statement continues:

The Local Government Minister, Ms Anne Levy, and I agreed to make submission on behalf of the Government to the Advisory Commission. In our submission we will stress the importance of community acceptance and backing for any change to boundaries.

Again, this makes a mockery of the commission. Why was this not done the first time, pointing out to the commission (if the Government must do that) that it must see the importance of community acceptance and backing for any changes to boundaries. The press release further states:

'We will ask the commission to give particular weight to the community concern that has clearly been expressed about the boundary changes proposed for Mitcham,' the Premier said.

Mr Bannon then indicated that it was in everyone's interest for the situation concerning Mitcham to be resolved quickly. He said that the Minister of Local Government would consult urgently with the commission to examine every possible measure to ensure that the commission makes its recommendation to the Government as soon as possible, within the constraints of the Act.

Of course, the Act provides anyway that the commission should make its views known as quickly as possible when it has been involved in a consultation process. I refer to the last paragraph of the press release. I want some reply from the Minister about what is meant by the Premier saying that the Minister of Local Government would consult urgently. Does that mean toing and froing? That is what I would understand consultation to mean—where we sit down with the members of the commission and have discussions with them. Does it mean purely that we make another submission and then another submission, and so on, to try to resolve the matter?

On page 2 of today's *News*, under a headline carried over from page 1—'South Australian poll tip firms'—there is a further heading, 'Merger went off the rails'. The article states:

Today's merger turnaround by Mr Bannon follows a meeting with the Save Mitcham Committee and the Mitcham City Council. Mr Bannon said public opinion had been clearly against the moves and he would ask the Local Government Advisory Commission to reconsider the decision.

It is fairly clear now that Mr Bannon is swayed by the crowds and by the number of people in the crowds. Is this the new indicative polling system that the Government, under Mr Bannon, and the Minister will use? I put it to the Council that a poll is the proper way to get this information.

The Premier said that the question could be 'fast tracked' for an answer within weeks. Of course, this is the new buzz word for everything—'fast tracked'. Why do we have to use the fast track method? Does this mean that the steamroller approach will now be applied to this situation?

The Hon. Anne Levy: At the request of the people at the meeting.

The Hon. J.C. IRWIN: I was not at the meeting and this Minister has not reported greatly to me on what occurred. I thank the Minister for that information. I guess they mean that the sooner a decision is made the better. The Mitcham mayor, Mr Goldsworthy, said today:

The new developments could lead to a final decision by the Government to leave Mitcham's boundaries unaltered. A speeding up of the commission's decision was crucial because a public poll was planned for 9 September, which could cost up to \$30 000.

That is a lot of money to spend on a poll. However, I would support a polling procedure, but if the Minister and the Government are trying to get the commission to overturn what they have already done, without having a poll, then there are a number of methods to achieve that without going to a poll. Of course, one method is to support the Opposition's legislation, which would send a joint address to the Governor to overturn the proclamation made in relation to Flinders. Further, Mr Bannon said that amalgamations had worked successfully on 34 previous occasions, but admitted: 'On this particular occasion, there is no question about it, it does seem to have come off the rails.' Well, all I have to say about that is in the wording of the motion, which shows very clearly that it has come off the rails, and why. The main danger of the problem we are facing is that this amalgamation is so unpopular that it could well jeopardise the procedures which have worked so well to date.

The Premier was very perceptive, up to a point, on two counts: not all of the 34 proposals considered by the commission have been very popular. My colleague the Hon. Mr Cameron has already mentioned Georgetown as one example of a council that sank out of sight after a predator takeover by two other councils. There was nothing at all wrong with Georgetown; it just did not have enough borrowing to make it eligible to stay on as a council in its own right. The Premier is very perceptive in relation to the fact that there is a storm of protest and outrage in relation to the Mitcham decision, which was made without final consultation with the people.

The motion before the House is a very serious one. The accusations contained within the motion are very serious, more especially when the present Minister of Local Government has been a Minister for only four months. I suppose, by convention, the Opposition and the press allow a honeymoon period for new Ministers and Governments. The honeymoon ended with the proclamation towards the end of June in relation to the City of Flinders. The present Minister of Local Government cannot be considered to be

inexperienced, and the Minister has acted for a Government which, by any measure, is experienced—if not somewhat tired—as that Government has been in office for seven years. This Government has a grand plan for local government, which is to take out the word 'local', and it is hell-bent on imposing its will on local government and implementing its plan.

The Hon. Anne Levy: It is not true and you know it.

The Hon. J.C. IRWIN: Well, you are not showing us anything else. In recent times, the seeds for the destruction of local government, as we know it in South Australia, were sown in New South Wales and Victoria, where ALP Governments have had their hands badly burnt in trying to impose amalgamations on local communities represented, as they were, by their own local councils. The Minister can go back and have a look at the history of the situation. This action was always attempted in the same way: in the name of economy of scale. It was always attempted with utter disregard for the community and the community of interest. History has shown that, in New South Wales and Victoria, Governments have been forced to back off as a result of getting their hands burnt.

The seeds of this action are in the philosophies, platforms and policies of the centralist thinking ALP. It was paraded out in the infamous Whitlam years, with the grand plan for all powers to be vested in Canberra, with the creation of regions throughout Australia and the setting up of a system where the centralists would eventually abolish State Governments and dictate to the people on every facet of their life. That is part of the wellknown plan.

The Hon. Anne Levy: State your source.

The Hon. J.C. IRWIN: The Royal Commission brought down three reports in 1974. One of those reports was very much—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: The Royal Commission set up by the Whitlam Government was started in 1973 and reported in 1974, at the end of the Whitlam years, and it brought down three reports, one referring specifically to South Australia. In fact, that report suggested that South Australia should have 20 councils in the planning area of Adelaide, reaching as far as Gawler. There is plenty of proof of the support for that sort of proposal by Ministers like Mr Virgo and others at the time. The seeds were sown long before then and they have been nurtured to this day. The centralists will not rest until every piece of this jigsaw is in place. Are we seeing in South Australia an attempt to put another piece of that jigsaw in place?

In many ways I could say 'Thank God for the Mitcham example.' For those who want to see the signposts of the destruction of democracy as we know it, those proposals are slowly but surely being put in place, culminating in the events of the past three or four weeks. Fifteen to 20 000 people from all walks of life and across the political spectrum attending two rallies in mid-winter is a very clear indication to me that the people of Mitcham do not like what is going on.

It should be a clear indication to all of us in the South Australian Parliament and, in particular, to the Government, that the people do not accept a decision thrust on them changing a situation that has operated for many years, with a chopper coming down without any offer of a say on a proposal signed by the Governor, of which most people knew nothing. It is preposterous that this Government should place the Governor in the position of signing the proclamation. If any Governor of South Australia has shown that he is a man of the people, it is the present Governor.

If I need one more example, other than the ones I have already given, to demonstrate in this debate the undermining of democracy, it is this action *apropos* Mitcham: a proposition put to the Local Government Advisory Commission to proclaim a new council at Blackwood Hills, which finished up as a proclamation to form a council called Flinders. The Minister grabbed the decision on Friday, put it into the Department of Cabinet for a week, Cabinet made a decision the next Monday (five or six working days later) and the proposal is signed and sealed without the people affected knowing their fate until it was too late.

In the second report (report 114) of the Local Government Advisory Commission, it is stated quite clearly that the decision was made on the Flinders proposal in about early June of this year. From June to the time that it went to the Minister's office was probably something over a month. This would certainly not be the case if a proposition went through the democratic process of the Parliament or through a proper open council process. Despite provisions in the Act, we know that the Minister did not instigate a poll on the final proposition or indeed on any proposition before the commission.

The Hon. Anne Levy: You voted for them, didn't you?

The Hon. J.C. IRWIN: I am not answering questions on whether I voted for or against the proposition to set up a commission. I am arguing about the way you used the commission and what is contained in the Act for you to use. That is what I am arguing about—not about the setting up of a commission: it is not part of the argument, if you listen.

The Hon. Anne Levy: What about Mitcham having a poll?

The Hon. J.C. IRWIN: Despite the provisions in the Act, to which the Minister keeps referring, we know that the Minister did not instigate a poll on the final proposition.

The Hon. Anne Levy: Nor did Mitcham.

The Hon. J.C. IRWIN: Mitcham did not know the final proposition.

The Hon. Anne Levy: But it knew the proposal.

The Hon. J.C. IRWIN: I will come to that later, as that is nonsense. There were four, not three, proposals. Do you want them to run around having polls on all of them at \$30 000 a time?

The Hon. Anne Levy: There were three proposals.

The Hon. J.C. IRWIN: The proposal by Happy Valley was to make it a bigger council, which went further than the second proposal put to the commission. There were four possibilities for the people of Blackwood Hills, who are the people affected, to have their poll. What this Minister and the former Minister have been saying in this place and publicly is nonsense, and you should know it. The Act provides for democratic decision-making by the Minister, but she has chosen not to do that.

The Hon. Anne Levy: Provides for it by the council.

The Hon. J.C. IRWIN: Certainly—I am happy to acknowledge that. We know from clear advice in the commission's report that neither the Mitcham council nor any other council carried out a proper poll.

In the end, not even Mitcham council could poll its electors with fair information available on which voters could base their votes because Mitcham did not know the outcome of the commission's advice until it was proclaimed.

The Hon. Anne Levy: It knew the proposals, though.

The Hon. J.C. IRWIN: It did not know the outcome to which it would be subjected. That is my constant answer to that interjection.

The Hon. Anne Levy: And my constant response is that it knew the proposal.

The Hon. J.C. IRWIN: Well you have some more thinking to do.

The Hon. Anne Levy: I am right—it knew the proposal.

The Hon. J.C. IRWIN: If you stay in the job long enough you will have plenty of time to think about it—or in Opposition.

The Hon. Anne Levy: I intend to stay in the job.

The Hon. J.C. IRWIN: If Mitcham council had attempted a poll on what it thought the outcome might be, it would have left itself wide open to criticism from the Minister and others for putting unfair questions to the people.

The Hon. Anne Levy: It could have put the proposals.

The Hon. J.C. IRWIN: Which proposal?

The Hon. Anne Levy: There were three of them.

The PRESIDENT: Order! The honourable member will address the Chair.

The Hon. J.C. IRWIN: This is one example of undemocratic process. I will come to the others later. Even the drover's dog blind Freddy could see the planning that the Government has put in place behind closed doors: cut down Mitcham in size, keep moving Happy Valley council to a larger area and population, with much to the south of it at its mercy and, when the time is right, Unley comes in and pounces on what is left of Mitcham, and bingo, the ball is well and truly rolling! Look out for what is in store for these areas and other councils in metropolitan Adelaide, not to mention what has already happened to the small efficient non-borrowing community of Georgetown, as mentioned by the Hon. Mr Cameron. It has been gobbled up and is gone.

I will now nail down a point that must be borne in mind when considering the matter now before the Council. The Parliament is the ultimate custodian of the Acts of Parliament now in existence and in use, but the Government of the day uses and administers the various Acts at its disposal. No question exists that the Government of the day gets its way by and large with the new Acts or amendments to Acts. There is no excuse, therefore, for this Government to say that there are not adequate provisions in the Local Government Act as it applies to the Local Government Advisory Commission, Part II, Division 10, or indicative polls under Division 12. The Local Government Act, Part II, Division 10, as it applies to the Local Government Advisory Commission (I will return to polls later), is the starting point for the Mitcham saga.

The former Minister of Local Government, the Hon. Barbara Wiese, was in charge of proceedings then and this Minister, on behalf of the Bannon Government, was as much implicated in the whole proceedings as is the new Minister. It is true that the present Minister is carrying the can for deeds set in motion well before her time. The Minister must attempt to answer again why the Local Government Advisory Commission was set up on a deficient proposal. Her answer this time around must be more believable than the one she attempted to give me last Thursday in this place. I asked, 'Was the Minister's proposal to the Local Government Advisory Commission made to prevent serious embarrassment to her department which had helped prepare a Blackwood Hills policy group submission? The Minister did not answer, except to say, 'It was a technicality to enable the proposal to be considered by the Local Government Advisory Commission. It was a means of getting the proposal, which was supported by a petition of at least 20 per cent of electors of the area, before the commission.'

Again, we keep hearing the word 'technicality'. We know from the commission that this is simply not true. The poll

or submission did not fully reflect the necessary 20 per cent required to set up the commission. The Minister had better come clean and give the Parliament a proper explanation of what was the 'technicality', otherwise we on this side of the Chamber and others in the community will believe that the one real reason for putting her own proposal to the commission was only to save her department from the embarrassing situation, with no real comprehension of what the consequences may be for the Mitcham area or indeed the ramifications which must now flow to the rest of the State, not the least of which will involve the commission. The commission will be absolutely overrun with written and verbal submissions and continual polling of people.

The Hon. Anne Levy: You want to abolish the commission?

The Hon. J.C. IRWIN: No, I have not said that at all and I will not say it.

The Hon. Anne Levy: Just asking.

The Hon. J.C. IRWIN: I know that the Minister is going to bring in some more legislation, as the Premier hinted at today. It is another wall to hide behind. We will answer when we see its colour. Further, given the technicalities, what were the real reasons for setting up the commission—the destruction of small efficient community councils, perhaps?

The Hon. Anne Levy: Why did you support it—to get rid of small efficient councils?

The Hon. J.C. IRWIN: I am not denigrating the setting up of the Local Government Act or the commission. I am clearly pointing to what this Government has done with it.

The Hon. Anne Levy: We do not start the proposals.

The PRESIDENT: Order! I ask the honourable member to address his remarks to the Chair.

The Hon. J.C. IRWIN: Thank you, Mr President. In answer to the interjection, the truth is that the proposal was started by the Minister—no-one else.

Members interjecting:

The Hon. J.C. IRWIN: Perhaps the Minister can tell us what the technicality was.

The Hon. Anne Levy: I told you.

The Hon. J.C. IRWIN: It was started by the Minister; she cannot get away from that. In the *News* of 16 November 1987, a Local Government Department spokesman, Mr Coates, said:

The Blackwood Hills Policy Groups' proposal may not meet the secession guidelines set out in the Local Government Act.

The Minister is getting some advice on the proposal before she makes up her mind whether to refer it to the Local Government Advisory Commission.

There are certain legal requirements that have to be met to refer a proposal, and she is making sure they are met.

Well, she did not succeed. Mr Coates continued:

Some requirements in the Act are subject to interpretation, and more recent interpretation suggests that the Hills proposal may not meet all of the criteria.

The article in the *News* continued:

Rejection of the documents by Crown Law Solicitors would seriously embarrass the Local Government Department because its officers helped the Hills Policy Group frame the submission.

Blackwood Hills Policy Group President, Dr Pat Wallace, said the group started organising in September 1985 and would be disappointed with any further delay.

She said that one reason for the delay was partly due to the proposal being the first of its kind. Dr Wallace said:

Being the first one, there are problems with it and there are some unknown areas.

I was involved with the Keith severance issue, which was right at the beginning of the operation of the new Act. We had to get it right. We had to go back again and get it right. We were not allowed to proceed until we did have it right.

We then had a department which actually knew what it was doing, and it gave us good advice. This perhaps again highlights the lack of experience in the Local Government Department—a position that the Local Government Association and I have talked about constantly for some time. I hope that the new Minister addresses this matter of experience within the Local Government Department.

Secondly, I asked the Minister whether the proposal by the Blackwood Hills Policy Group was essentially the same as the Minister's proposal which was referred to the Local Government Advisory Commission. The Minister did not answer that question, either—except to keep saying that she and the former Minister neither supported nor opposed the proposal or any others put to the commission. We strongly argue that, in its putting forward the former Minister's proposal, the Government, no matter what the background of the issue, does in effect tacitly support the minority proposal.

The Hon. Anne Levy: Nonsense.

The Hon. J.C. IRWIN: In the absence of a proper grass-roots proposal, the Minister has put hers. This is further strengthened in the third part of my question—which I will get to later. There has been no precedent of Ministers initiating proposals to the commission. Mind you, we do not think that the Minister was supporting a smaller council: rather, a sequence of events which would see fewer councils and bigger councils, like Unley, taking over Mitcham.

Let us go further down the track and look at the Minister's second but last proposal to the Local Government Advisory Commission to rededicate the proportion of Mitcham given to Happy Valley. If this is not a loud and clear cry for help, we do not know what is. This was followed by another large, loud cry for help today emanating from the Premier. In the space of a few weeks the Minister has lurched from bitter opposition to the people involved to the other extreme, against all of her earlier pronouncements, of asking the commission to reverse its advice. Her tactics are pretty clear, are they not: government by a three-person commission.

The Hon. Anne Levy: I have not asked the commission to reverse its advice. In the interests of upholding the principle of an independent commission, the honourable member would criticise me if I did.

The Hon. J.C. IRWIN: Well, you have done it, and it is all pretty clear. Whether it is the Minister's idea of what has happened or what the people—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: We are all experienced enough to know that what we say, what the Minister says and what might be the perception of people in the community can be quite different things. I repeat that, in the Minister's asking the commission to reverse its advice, her tactics are pretty clear, are they not?

The Hon. Anne Levy: I have not asked the commission to reverse its advice. That is an error.

The Hon. J.C. IRWIN: Well, the Minister can explain all that when she answers. Her tactics are pretty clear: government by a three-person commission. The idea is for the Government to hide behind its independent commission and to get it to do its dirty work—and hope like hell that no reports on this Mitcham issue and others, like Henley and Grange, will surface until after the election. It is funny what can happen when an election is looming. What an intolerable position the commission is in, in the present climate—and the Government has allowed this to happen. It is absolutely in a no win situation; no indicative polls have been requested and it has been swamped by new petitions and appeals for reconsideration.

The Henley and Grange situation is even worse still. That council does not even know what the proposition is. It knows that there are proposals but it does not know what the final outcome will be. Yet, details did reside for a while in the Minister's room. The proposal is now probably residing in the Cabinet room.

The Hon. M.B. Cameron: No, in the safe!

The Hon. J.C. IRWIN: Yes, or locked up somewhere in a safe. Perhaps the Minister has ringing in her ears the talk of the town from no less than the Premier—

Members interjecting:

The Hon. J.C. IRWIN: That is why they are locked up; lock them up in the Cabinet area and no-one can get to them—that is good and democratic.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: Under the Act, the people can be told of the decision and a poll can be requested. That is clear, but perhaps the Minister has ringing in her ears the talk of the town, from the Premier, no less: 'You will get your marching orders if there is any marching in this town on this issue.' I can assure the Minister that the people have not finished protesting on this issue. This was reiterated again today when the Mitcham Council said that it will go on with its poll and with other things emanating from the poll.

The Hon. Anne Levy: Did they tell you that?

The Hon. J.C. IRWIN: I am told that that is what has happened. It may not have happened, but I am told it did happen. Whether or not anyone refutes it, it is recorded publicly.

The Hon. R.I. Lucas: Is the Minister saying that they didn't say that?

The Hon. Anne Levy: They didn't say it to me.

The PRESIDENT: Order! There is too much debate across the Chamber.

The Hon. J.C. IRWIN: The Minister should not think that time will help her to muster the resources that are needed to bash the people into place. The Minister knows that the Government can simply introduce its own legislation to undo the damage that has already been done. If it does not do so, we will—in fact, we already have. We asked the Premier today whether he will support it. However, he will not answer that—because the matter is the subject of a notice of motion on the Notice Paper in the other place. This is simply ducking for cover.

Thirdly, I have asked the Minister (in this long drawn out question) whether there was any precedent for a Minister putting a new proposal to the Local Government Advisory Commission and, in effect, initiating a Local Government Advisory Commission inquiry. The short answer is:

As far as I am aware there is no other instance of this having occurred.

So, there we have it. The Blackwood Hills proposal was deficient. The Minister put her own proposal to the Commission. This led to the significant counter-proposal from Happy Valley Council, which, under the Act, can put proposals to the commission so long, I assume, as they are technically correct. The Minister closed her answer with the following comment:

The first proposal certainly was technically put by the Minister, but it was not at Ministerial instruction.

Whatever that might mean! I have put the argument to the members of this place, and to others, and I will have to leave it to the Council and others to judge how the credibility of the Minister stands up on this issue.

I have been partly the initiator of a severance issue before the Local Government Advisory Commission in 1985. Although there are many parallels between our experience and the present Mitcham experience I will refrain from delving into them here and now. But my experience and the experience of 96 per cent of Keith people, whom I know pretty well, sticks in their gullet. I have had some experience in local government. I can say I do have sympathy to the original intentions of the Blackwood Hills group to form a new small council, although I do not pretend to know the details of their feelings other than what is brought out in the various commission reports, 113, 114 and 115.

It is interesting to note that one of the Commissioners on the Blackwood hearing was named as a councillor with me and others in our Keith severance application, and the present Chairman of the commission was our advocate. Reference of proposal to the advisory commission (section 26 (1) and (2)) has been in the Act for some time now. It is quite clear and has stood the test of time, so far as no attempt has been made to modify it. Subsection (2) provides that an application of a referral of a proposal to the commission under subsection (1) may be made by the Minister and, where the proposal relates to an area or portion of an area (whether or not it affects any other area or portion), by the council for the area (and this part of the Act was used quite properly by Happy Valley and Mitcham) or 20 per cent or more of the electors for the area or portion directly affected by the proposal. This part of the Act was targeted by the Blackwood Hills group—again, quite correctly. As we now know, its application was technically deficient.

In the context of the first proposal and the final proposal, let us look at that 20 per cent. The 4 000 signatures achieved by the Blackwood Hills group, if they were all verified, was approximately 23 per cent of the 17 000 electors calculated for the proposed new council area. That is for the Mitcham hills area. Based on the commission's figures this represents 6.5 per cent of the electors of Mitcham and Happy Valley or 4.3 per cent of the total census population of these two areas. The figure of 6.5 per cent or even 4.3 per cent is a pretty small tail wagging a very large dog. In anyone's language, it is a very small minority group.

Despite the efforts of the Local Government Department and the Blackwood Hills group, the submission to the Minister did not legally stand up. Again I ask will the Minister explain why. I do not want the commissions words, but her words. In the light of the commission's report being littered with criticism of the Mitcham council's attempts at gauging community support, it is even more the duty of the Minister to put down the answers and the reasons. I, and perhaps others, have been told to go away and do it again properly by the Minister. Again, why was this procedure not followed by the then Minister of Local Government?

Further, it is not good enough for the present Minister to go on saying that the proposal eventually put to the commission by the Minister—as allowed for in section 26 (1)—was done without any implication of direction by the Minister. It was the Minister's proposal, not the Blackwood Hills Group's proposal, that was deficient. It cannot have been just a good idea at the time, to borrow a well known phrase used by Senator Evans. I hope that Ministers do not just set up a commission hearing which takes nearly 20 months and many thousands of dollars for no good reason at all. Part of the Minister's credibility as I have said, hinges on an adequate answer. It is quite obvious that the Government does not like or encourage small councils, so that cannot be the answer. Even I know that the 27 000 estimated population is only just above that given in all of the

advice available so far as economy of scale is concerned. Above 20 000 there is very little advantage to economy of scale. I challenge the Government again to come clean with us on that point.

Let me turn now to the commission which operates under the Act and is the Minister's responsibility under the Act. She keeps saying it is independent. It may act independently, but the Government (or Governor) appoints every one of them. I do not wish to reflect personally on members of the commission now or in the future. I do not even really want to get into the area of the commission but I must do so for the purposes of this motion. The Chairman must be a legal practitioner of not less than seven years standing, appointed by the Governor, on the Minister's nomination.

One is a member, or former member, of local government selected from a panel of three nominated by the Local Government Advisory Commission and appointed by the Governor. One is a person with experience in Local Government nominated by the Minister, and one will be a person holding or acting in such office of the Department of the Minister as may be nominated by the Minister, and one is a person selected from a panel of three nominated by the United Trades and Labor Council, appointed by the Governor.

Except perhaps for the Local Government nominee, all members have been nominated by the Government—this Government. So far as the three Mitcham Commissioners are concerned, one of the Commissioners has had local government experience. None has expert qualifications in financial management, although all would have experience in personal financial understanding. This has to be an important point because there is no question for those reading commission reports, especially 113, 114 and 115, that financial consideration played a major part in arriving at a final decision.

It is evident to me that considerable weight is given to the economic factors, far in excess of the weight given to community of interest factors. In most cases I know of, and in submissions to the Commission, paying more to support the community of interest factor is more important than any economy of scale argument, yet that is continually rejected. Individual and multiple submissions keep saying that, and they are still rejected.

This is a classic question, which could be put to a poll. My attention is drawn to the conclusion of reports 113 and 114. Point 6.2 of the report on the Blackwood Hills proposal reads:

While this proposal was initiated by the community, the creation of a separate council is not necessarily the solution favoured by a majority of residents. Further, the proposal creates an additional local government authority with considerable cost penalties to the community, at a time when there are pressures for financially stronger authorities. For this reason in particular the proposal is not favoured by the commission.

The first point I make is that the opinions of the majority of residents have not been tested by a proper poll. The methods of indicating support or otherwise were deficient according to the commission itself. Secondly, the so-called estimated cost penalties were not known by the elector/residents until after the proclamation was signed, so they have never given an indication on that factor. Those two points combined could and should have been tested by a proper poll. The community affected should make an informed decision; the decision should not be made by a three person commission on behalf of the Government. This poll would also have given a strong indication whether pressures really existed for a financially stronger authority to be set up. This is in the minds of some people but is not necessarily the intention of all.

Further in the conclusions of report 114, which recommends the City of Flinders, it is stated at point 6.3:

While undoubtedly providing the best levels of representation, financial considerations weigh heavily against the formation of an additional council in the area based solely on this community of interest. This is particularly relevant in a climate where local government is required to become financially stronger and less dependent on the other tiers of government and where it has a capacity to deliver an increased range and quality of services.

The additional council was the proposed Blackwood Hills council. Therefore, the commission is saying that local government is required to become financially stronger and less dependent on the other tiers of Government and have the capacity to deliver an increasing range and quality of service. The short answer to that is that Governments throw more and more financial burdens onto local government to do things that it should be doing itself. Local government is like a family. If it cannot afford something, it cannot have it. The people in the Local Government communities set their own priorities.

I have often alluded to the human services area in local government. Local government tries to address that by setting rates based on the ability of people in its area to pay. In these times capital value is no indication of an ability to pay. Only if one asks the farmers, the small business people and the ratepayers, will one get a real answer. Poverty and its associated problems have doubled under the Hawke and Bannon Government. Many of the human services problems have been caused by the Labor Government. It is not the responsibility of local government to pick up the tab for all of that.

Paragraph 4.24 in report 114 is a very telling point. It states:

Communities such as Mitcham council have been able to keep their rates low because community groups raise all their own money to pay for community facilities. The submission said that the future of the area was more important than the narrow interests of more affluent groups.

If I may say so, this is the old style community group attitude which has so many advantages. Sadly this is being replaced by the 'What will the Government do for me' attitude.

As I said, this is a very telling point highlighted by the Commissioner and highlighting the community spirit that we should be fostering, not knocking on the head by hand-outs designed to buy votes. The people of Mitcham Hills show this commendable spirit, but sadly it is swamped by the mighty arguments about economy of scale. I have always said (and I will say it again), that so-called bureaucratic efficiency is no match for communities seeking to achieve their own goals, and seeking to control their own destiny.

I refer to the commission reports 113, 114 and 115, as they do raise some important questions. In each of the reports there is a constant indication that 'certain other investigations were carried out.' This phrase may well be a standard catch-all statement. But I and others want to know specifically what were the certain other investigations and why they are not reported on in specific detail. We want to be able to gauge exactly, or as clearly as anyone can, what weight may have been given to the certain other investigation in the final results. Were any of the players in the Commission hearings, for example, Blackwood Hills, Happy Valley or Mitcham, given a chance to reply to the findings of these certain other investigators?

The commission has in reasonable detail set out the various arguments put for and against a proposal, but appears silent on what may be a significant area of certain other investigators. If there are areas instigated and the findings not noted, and other bodies have not had an opportunity to respond to the findings, I put it to members that this is

unfair. Has the commission held secret meetings? Has it gone outside the commission and listened to the local gossip? Has it considered economic factors not documented in its reports? I ask the Minister, if she can, to tell us what those certain other areas were.

The Hon. Anne Levy: I wouldn't know.

The Hon. J.C. IRWIN: You might like to find out. The Minister makes constant reference to the similarity between Federal and State Boundaries Commissions and the Local Government Advisory Commission. I put it to this Council that there is little in common. For a start, Federal and State commissions are headed by a judge and their members are expert in the various facets on which they have to make judgments. Their main interest is to consider the principle of one vote one value, particularly in South Australia. There is no need to consider economic factors certainly in the great detail that the Local Government Advisory Commission does, and there is a right of appeal which, of course, can be exercised after the proposals are made public.

The Local Government Advisory Commission does consider economic factors and does not have any appeal rights. It is headed not by a judge but by a legal practitioner of seven years standing. Two out of five Commissioners need to have local government experience, and none need have any economic expertise or experience at all. With the respectful qualifications that I have given earlier, Federal, State and local government commissions are independent only up to a point.

I refer now to the issue of polls. This is perhaps the biggest issue of all so far as the people of Mitcham are concerned. As I have said before, this concern is spreading throughout South Australia in both metropolitan and rural areas. The commission is almost silent in its three reports on the poll question. However, there is a reference in report 115 at paragraph 5.14, which states:

The findings of the first report of the Royal Commission into Local Government Areas would suggest that no benefit would be gained in holding a poll of electors to further ascertain their views on what is a complicated matter. The Commissioner's findings would indicate that the reasons for people's opinions could not be ascertained by this method that a view may be inspired solely by a belief that rates will be higher or lower and that the relative advantages and disadvantages of all options may not be known to electors.

If anything could be designed to make me angry—and I hope some others in this Chamber are angry also—it is that statement. The Royal Commission, and now the Local Government Advisory Commission, is saying, in effect, that the people cannot think for themselves. Try telling that to the 15 000 to 20 000 people who demonstrated at two Mitcham rallies or the people around South Australia who are demanding the right to have a say in their future. Do we have no more referenda because the issues are complicated? The last lot certainly were, but the people in South Australia certainly knew how to vote for them. In fact, they voted them out. Do we have—

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: There was a perfectly good reason: the people voted them out. The people absolutely—

Members interjecting:

The PRESIDENT: Order! Members will stop talking to one another across the Chamber. All remarks will be addressed through the Chair.

The Hon. J.C. IRWIN: The people made a resounding decision, a right which was given to them in the founding Constitution of this country and which I will fight to maintain. Indeed I hope everyone here will fight to maintain it. It does not matter what I said or what my Party supported: the people were able to look at the issues, and they voted

accordingly. They will be able to vote accordingly in local government polls also.

Do we have no more State and Federal elections because the issues are too complicated? Heavens above! If a simple poll of a council is complicated, what is a State or Federal election? They are certainly complicated, but no-one is seriously suggesting that we do not give the people a democratic say—or are they saying that to us on this side of the Chamber? This could all be run by a committee with one person at the top; that is what they would like! I wonder, and keep on wondering. I hope seriously that the Minister is not hiding behind this Royal Commission view.

I wonder who discovered that convenient little gem of a finding which I hope no-one takes too seriously. The people of Mitcham certainly do not take it too seriously for they are, as we know, demanding a poll, and they, I am sure, can sort out the issues involved and vote accordingly. Apart from anything else, Minister, I am truly alarmed that you and the commission can so easily disregard the provisions of the Local Government Act, especially as they relate to polls. As I said earlier, the Local Government Act is the creation of this Parliament. You in Government are bound to administer it. No-one is suggesting that the Local Government Act was not created after a whole line of democratic processes were followed. These processes are jealously guarded by me and the majority of South Australians, not, of course, by an element in South Australia hell-bent on tearing down the democratic process.

Certainly the Act does not bind the Minister or a council to call a poll; you are given a discretion. Despite the Royal Commission statement, the provisions are put there for a very good reason, which is becoming very clear now. The people must have a say on any final proposition (I emphasise 'final'), and that say must be considered prior to proclamation. With luck and with support from people who can think, who are community minded, and who respect the view of the people, the Opposition will force the issue with a clear no nonsense piece of private member's legislation that was introduced in this Council today.

I must ask the Minister whether her only reason for not initiating a poll is based on costs to the Government? She has been quoted as saying:

They are trying to pretend I am anti-democratic because they asked me to hold a poll for them and I declined. They should have held one themselves, the difference being who pays for it.

On reflection, that is pretty silly stuff. After all, in the Local Government Act, under the heading 'Indicative Polls' is section (5) (b), which provides:

Direct the Electoral Commission to conduct a poll under this section and in that event the Electoral Commissioner may, if the Minister so determines, recover the cost of the poll from the council or councils affected by the proposal.

This provision follows some other good safeguards with everything in the Minister's favour. Section 29 provides:

(1) The Minister may direct that a proposal for the making of a proclamation under this part be submitted to a poll of those who are directly affected by the proposal.

(2) The Minister will determine the basis of entitlement to vote at a poll under this section and the manner in which the poll is to be conducted.

(3) The Minister or the Commissioner must at the request of the Minister prepare a summary of the arguments for and against implementation of the proposal that is to be the subject of a poll under this section.

So it is quite clear. There is nothing preventing a poll being taken prior to a proclamation being made. The Minister and the Government in their rush to proclamation conveniently went past that—or was it by design? There is nothing to prevent the electors affected being identified at polls. There is nothing to prevent a proper summary of issues being prepared so that those 'back wood' Blackwood Hills

people ('back wood' in the Minister's mind) could actually make up their own minds. There is nothing to prevent a properly conducted poll using the Electoral Commission, and there is nothing to prevent the Minister passing on the costs or to recover the costs from the council or councils or even share the costs. So much for the Minister ducking for cover with the lame excuse, 'the difference being who pays for it'.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: I said there is nothing that stops the Minister from sharing the costs, and I imagine that, if the Minister was going to pass on the costs, she would certainly speak to them beforehand.

The Hon. Anne Levy: What if they didn't want it?

The Hon. J.C. IRWIN: The Minister could hold her own poll.

The Hon. Anne Levy: And have the people out of Mitcham pay for Mitcham's poll?

The Hon. J.C. IRWIN: Well, that goes on all around the State. I could cite example after example where my neighbours at Keith pay for the State Transport Authority every damn day. It goes around and around Adelaide but they never use the thing.

The Hon. Anne Levy: I am talking about local government.

The Hon. J.C. IRWIN: I will give you—

The Hon. Anne Levy: I am talking about local government.

The PRESIDENT: Order! If the honourable member addresses the Chair, he will get through his speech much more quickly.

Members interjecting:

The Hon. J.C. IRWIN: We'll find plenty of examples.

Members interjecting:

The PRESIDENT: Order! Conversation across the Chamber must cease. There is a member on his feet and he will address his remarks to the Chair. He does not have to respond to interjections.

The Hon. J.C. IRWIN: I will not go down the track of bringing up examples because there are plenty of examples, and the Hon. Mr Stefani has alluded to one. We could justify that if you would like us to do so. Does the Minister really expect the Mitcham council to rush off and conduct its own poll after reading all the adverse comments about its earlier efforts to gauge the people's feelings and its being biased?

To complete the picture, let us look at the special provisions in Part VII, Division VI of the Act relating to polls, conducted by councils. I will compare the polls conducted by councils with those that the Minister can initiate. Under section 102, the returning officer of a council must, at the direction of the council, conduct a poll on any matter within the ambit of the council's responsibility. I guess that can apply because, even if the Mitcham Hills people were going to Happy Valley, the people at Mitcham Hills could be polled, even though Happy Valley is outside the responsibility of the Mitcham council. Under section 103, a ballot paper for a poll must contain (a) a statement determined by resolution of the council of the proposition to be submitted to the electors, and (b) *inter alia* the two squares provided to enable one to indicate for or against by marking an X.

I can find nothing in the Act to allow for part of a council or a single ward to be polled; nor can I find anything to prevent that, so I expect that it can be done. Under Part VII, Division VII, relating to the conduct of electoral polls, the Act provides advice as to how to gather votes other than at a polling place. That would include postal votes,

absentee votes, etc. Any fair minded person looking for the fairest possible result from a poll would have to say that the provisions under the Indicative Polls heading are the better alternative.

The present Minister and the former Minister completely missed the point when they kept rejecting indicative polls conducted by them and telling councils they could do their own polling. Once again, the Minister's answer to me yesterday highlights how she missed the point. They completely missed the point because they will not publicly release the commission's findings prior to its proclamation, so the council can decide on a well known proposition what question to put to the electors of the affected areas.

Can it not sink into this Minister that it is the affected area which is the paramount point? In the Mitcham Hills example, the people at Blackwood Hills are in the affected area. It is they and they alone who must decide in any poll if they have their own council. These are the different propositions: to have their own council; to stay with Mitcham proper; or go with Happy Valley, which was to be larger than just the addition of Blackwood Hills. Can it not sink into the Minister that, although there are three proposals, there could have been any one of four outcomes? The commission canvassed a number of economic outcomes for the Blackwood Hills people on any number of economic factors, including rates, roads, services, rubbish, etc.

However, can any elector cast a vote at a poll not knowing what the commission's calculations or findings are? They can cast a vote properly only after the commission has reported. That should be crystal clear. The Minister did not give the people of Mitcham Hills a chance. The Minister has indicated constantly that she will not give them a chance. The commission's finding are secret and locked up until the fate of those people is sealed.

In addition to what I and the commission have said about the polls, I especially reiterate that 4 179 signatures were contained on the original petition and, in the words of the Commissioner, 'while they were checked against the electoral roll there existed scope for bias in the way the signatures were obtained.' This was the basis for the commission to inquire. However, the Mitcham council surveys were heavily discounted for the same bias. If reliable advice had been available from the Local Government Department right from the start we may not now have the turmoil we have.

Section 3.7 of Report 114 states that a *pro forma* letter was sent to all electors in the affected areas, generating 4 162 responses containing 7 899 signatures. This represents 47 per cent of all electors in the area. All but nine responses were opposed to the proposal. One could be excused for being a little confused because the appendix of the report records the submission against the proposal and not the signatures against. Further, the comments state that the sample was sent to ratepayers and not electors, whereas 3.7 refers to electors. Whatever the true position, this sort of response should have sent alarm bells ringing in the commission and, if the Minister had properly understood the commission's report, she should have also seen the strong message and acted to set up a poll. The alarm bells should have also rung in her office. More than once the commission points to the fact that Mitcham achieved its survey results by biased surveys. It could have quite easily advised Mitcham council, or the Minister, to conduct proper polls to indicate the feeling of the community. Alas, this is not recorded anywhere in the three reports. I hope when Mitcham eventually does run a poll there will be absolutely no

room to criticise it for being biased. The Minister has had the chance and she chose to blow it.

Before I leave the commission reports, I must note and ask why was not the economic efficiency of Happy Valley partially or fully investigated, especially when reading of the adverse comments about Mitcham, with its 'outmoded financial practices and that the hills area was not getting basic services'. Provided it is within the provision of the Local Government Act, Mitcham council, or any other council for that matter, can do what it likes. According to the Act under which it operates, it can do what it likes, and no-one should challenge that. The results are in the hands of the local people and no-one else. Election time is the perfect opportunity for electors to change the councillors. There are many other ways for electors to air their views on local matters in local situations. This is the democratic process. Local government has had a gutful of State Government interference in its affairs.

Why did the Minister not take all of the advice of the Local Government Advisory Commission, especially when she continues to say that she is bound by precedent to take this advice? Of course, the Minister has established all sorts of new precedents by her actions following the thirty-fifth proposal report of the Local Government Advisory Commission. The fact that the Mitcham proposal went one way and the Henley and Grange proposal went the other way is one example of that. Point 15 of the recommendation of report 114 makes the point. In part, it states:

To ease the transition, this application should propose that the Blackwood Hills rates level should not exceed CPI until the first year and should be increased in real terms by a maximum of only 2 per cent per annum thereafter.

Yet I understand the proclamation says the rates for the new city of Flinders should be based on capital values.

Why did the Mayor of Unley and the Mitcham council workers know about the outcome of the commission months before proclamation? Why were not Mitcham council workers jobs guaranteed when Happy Valley jobs were guaranteed?

The Hon. Anne Levy: They were!

The Hon. J.C. IRWIN: Well, you can tell me. You've got plenty of opportunity to tell me.

The Hon. Anne Levy: I'm telling you.

The Hon. J.C. IRWIN: Why did the department hotline leave out Mitcham when Happy Valley, the unions and Unley councils were included and kept informed?

The Hon. Anne Levy: They were not!

The Hon. J.C. IRWIN: You've got a chance to answer that. That is what I heard; that is what I am hearing; and I am passing it on to you.

The Hon. Anne Levy: You are hearing all sorts of wrong information.

The PRESIDENT: Order!

The Hon. J.C. IRWIN: What legal advice does the Minister have regarding a possible conflict of interest between one Local Government Department Deputy Director holding the position of secretary—as I think he did—to the Local Government Advisory Commission? Cannot the Minister see that the handy link between the commission's activity and thinking and the department and Government can lead to accusations of conflict of interest and lack of independence from the commission?

The Hon. Anne Levy: Are you querying Bert Taylor?

The Hon. J.C. IRWIN: As far as I know, he is not in your department.

The Hon. Anne Levy: No, but he's—

The Hon. J.C. IRWIN: I didn't say that the commissioners had to declare an interest. I said, 'If they were from your department and a commissioner'. I am simply asking

the Minister whether she has any legal opinion whether or not they should declare an interest.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: Well, your Director, when acting on the South Australian Grants Commission, very publicly declared an interest—she would act for the Grants Commission and not the department. It is gobbledegook to me, but the former Minister created a lot of publicity about that declaration of interest. I am asking the Minister whether she has had advice on whether her departmental—

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Are you saying that there is no conflict of interest between the person sitting on an independent commission and being an officer of your department?

The PRESIDENT: Order! The honourable member will address the Chair. The Minister will have the right of reply later.

The Hon. J.C. IRWIN: Does the Deputy Director of the Local Government Department—who is now a commissioner and nominated from the Minister's department—declare an interest in favour of the commission when acting for the commission, much the same as the Minister's Director did when serving on the Local Government Grants Commission in relation to the Stirling issue? Once again, if they do not or, in particular if one, does not, the commission is laid open for the accusation of lack of independence. If this problem is not addressed by proper declarations of interest, the commission is not independent, nor is it seen to be independent, which is even more important, especially if the Minister is sending proposals back and forth between her department and the commission for further investigation. Whether they are proposals, submissions or whatever the terminology is, I am making the point that they are going backwards and forwards between her department and the commission, but she has at least one person on the commission.

The Hon. Anne Levy: Are you saying that I shouldn't write to the commission?

The Hon. J.C. IRWIN: That is not what I have been saying for the past couple of minutes. There will be an occasion when one of the deputy directors has been the secretary of the commission hearing the cases in question now and, in future, one of your departmental nominees, who may be the same person, will act on a commission of hearing or may be acting on the Henley and Grange matter. I do not know—I am simply asking. We now have a situation with Mitcham where new proposals are being put back to the commission on which the Minister quite openly has a nominee, and we now have a second one.

The Hon. Anne Levy: The proposals came from me, not the department.

The Hon. J.C. IRWIN: Are they proposals or new initiatives? We are getting tangled up with words.

The Hon. Anne Levy: I know the difference.

The PRESIDENT: Order! I ask the honourable member to address the Chair, and not get involved in personal debate with the Minister.

The Hon. J.C. IRWIN: The following is a series of statements reputedly made by the Minister following the proclamation of the city of Flinders:

She is adamant there is no turning back; a poll would be a waste of time; I fail to see the point of having a poll; the formation of the city of Flinders would go ahead despite protests; the proclamation signed by the Governor was final; under the law the independent commission could not consider another proposal for that area for three years.

It seems that the Government can interfere in the law and the Minister refers back to the commission after proclamation. Now, the Premier has had a try. We have had two referrals back to the commission on this same issue.

The Hon. Anne Levy: There has been one new proposal put to the commission.

The Hon. J.C. IRWIN: You are just hiding behind technicalities. You talk to the people on what they perceive is happening. After one large rally in Mitcham, which the Minister did not attend (I understand that she was at Port Lincoln)—

The Hon. Anne Levy: Port Pirie. I was at the Port Pirie City Council and the Port Pirie District Council.

The Hon. J.C. IRWIN: I am not accusing you of not being there for anything other than a good reason. Instead, she sent the hapless Terry Roberts, our colleague, to face the fire and the prospects of another large rally in Mitcham. The Minister announced at the other large rally that she had sent another proposal to the commission rededicating Mitcham Hills back to Mitcham.

We are told by the Chief Executive Officer of the commission that the commission will not sit until August and expects to report by early 1990. As I have said before and repeat, it is another convenient date in early 1990, which may happen to be after an election. I was present at the second rally to observe the occasion. There was no doubting the sincerity of those who spoke against the proposal, including the Mitcham council workers' representative and respected former league footballer, John Halbert, who knows something about fairness and leadership, as anyone who has followed his career knows. I could not say the same for the Minister, who cut short her contribution by walking off in a huff, having offended the locals with her remarks.

The Hon. Anne Levy: They could not hear me.

The Hon. J.C. IRWIN: I could hear you very well.

The Hon. Anne Levy: Other people told me they could not hear me.

The PRESIDENT: Order! The honourable member will be better off addressing his remarks to the Chair and not involving himself in personal asides with the Minister, who will have the opportunity to debate the matter later.

The Hon. J.C. IRWIN: I will refrain from drawing out this point because I hope by now the Minister has been suitably reprimanded by the people—far better by the local people than by me, the Leader of the Opposition in this place or anyone else.

In conclusion, on the available evidence laid out by me, the Bannockburn Government and the Minister of Local Government should be censured by members for their inept handling of the Mitcham debate leading to the proclamation of the City of Flinders, a matter that is still going on from one crisis to another. By any standard it is inept. We should censure the Bannockburn Government and the Minister for their undemocratic handling of the Mitcham debate which has damaged the good standing of local government. We should censure the Minister for her performance in the portfolio of local government. By her actions on behalf of the Government, she has allowed a proclamation to be signed after it was arrived at by an unfair process and, more importantly, is seen by the people to be an unfair process. I urge members to consider what I have said, to listen to the people and, after due deliberation, to support the motion.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Thursday 10 August at 2.15 p.m.