LEGISLATIVE COUNCIL

Thursday 29 August 1991

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

PUBLIC WORKS STANDING COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Myponga Water Filtration Plant,

The University of South Australia extensions to Centenary Building.

MINISTERIAL STATEMENT: REGIONAL ARTS REVIEW

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I seek leave to make a statement.

Leave granted.

The Hon. ANNE LEVY: I have sought leave to make this statement in response to the Hon. Diana Laidlaw's claims yesterday in explaining her question on the regional arts review. The honourable member opposite claimed that there had been a lack of consultation with the Local Government Association concerning the review, and implied that our process was in breach of the memorandum of understanding between the State Government and local government.

I would like to read into *Hansard* a letter I sent to the President of the Local Government Association, Mr David Plumridge, on 15 July, four days before the review's terms of reference were publicly announced. It reads as follows:

Dear Mr Plumridge,

For your information I have enclosed a copy of the terms of reference for the recently announced review of regional arts development in South Australia. An advertisement will be placed in the *Advertiser* newspaper on Saturday 20 July 1991, inviting submissions from the general public.

As part of the terms of reference the Government wishes to discuss the role of local government in regional arts development. Consistent with the State local government agreement, ratified in October 1990, the State Government will formally consult with the Local Government Association. I have therefore asked the Chair of the review team, Ken Lloyd—

I will not read out the telephone number—

to liaise with Mr Hullick to discuss the review process and terms of reference. Following this, the review team will meet with representatives of your association to discuss those matters which relate to local government. I look forward to your input to the deliberations.

Yours sincerely.

QUESTIONS

EDUCATION CUTS

The Hon. R.I. LUCAS: I seek leave to make an explanation before—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Can you throw her out?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: She's at it again.

The PRESIDENT: Order! I am the President, not you, Mr Lucas.

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about education cuts.

Leave granted.

The Hon. R.I. LUCAS: The fine print of the Bannon Government's planned changes to the Education Department reveals a proposal to establish six teacher and student support centres and that schools would be able to purchase services on a fee for service basis from these centres or elsewhere.

These centres will house teams of specialist advisers and consultants who will provide advice to schools on issues related to curriculum, student support, Aboriginal education, special education, equal opportunity and school management. I am advised that the South Australian Institute of Teachers has been told by the Government that schools will not be provided with any extra resources as part of the Government plan to force schools to pay for these essential services.

I have spoken to a number of principals who are alarmed at this hidden aspect of the Government's proposals. They argue that they are already struggling with existing resources to supply essential services like computer equipment. They argue forcefully that there is no way they can now afford to start paying for essential services like special education and curriculum support services which have previously been provided at no cost to schools and students. In fact, there is great concern that wealthy schools perhaps might survive such a system, but most schools, especially those from poorer areas, will suffer badly under such a system. My questions to the Minister are:

1. How are schools meant to pay for these essential services which were previously provided at no cost by the Education Department?

2. How does this policy comply with the supposed social justice strategy of the Government and the Education Department?

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

MINISTERIAL DELEGATIONS

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for Local Government Relations a question about delegation of ministerial powers.

Leave granted.

The Hon. J.C. IRWIN: The Minister yesterday handed me a document in response to a question I asked on Tuesday relating to ministerial approvals. The document sets out 34 sections of the Local Government Act where the Minister has delegated powers to the Chair of the Bureau of Local Government Services Management Committee, Mr Des Ross, and another member of the committee, Mr Adams, if Mr Ross is absent.

I do not know if all councils agree with the Minister's actions, but I know that they have been pushing to have ministerial approval abolished altogether. This delegation by the Minister could now be seen as worse than direct ministerial approval, for it introduces a completely new element. No doubt that will be addressed in any local government constitution-type legislation which will follow the conclusion of the negotiating process sometime late this year or early next year. I refer there to Ministerial approval only, as part of that legislative package. What has to be offensive now to us as legislators is the wholesale delegation now being adopted by the Minister under the present Act. This sort of delegation was not envisaged when the Parlia-

ment considered major amendments to the Local Government Act.

I will not take the time now to enlarge on all 34 sections of the Act where delegations have been made, but I will allude to three, the first of which is section 157, which relates to the power to approve investments by councils in stocks, shares and companies. The delegate [Mr Ross] can give approval with a disclaimer to the effect that neither the Minister, the delegate nor the management committee warrant that the investment is financially sound, whatever that means. Does the delegate have to brief the Minister? If so, the Minister could have given the approval in the first place.

I refer also to section 198, which relates to the power to approve, unconditionally or with modifications, the conditions, or to veto a project involving significant expenditure or borrowings—if you like, entrepreneurial activities. The delegate can give approval provided that there is a disclaimer to the effect that neither the Minister, the delegate nor the management committee warrant that the project is financially sound.

I refer also to sections 364, 365 and 855 *(c)*, which relate to the power to consent to construction by a council of works over public roads. This consent can only be granted by the delegate on the undertaking by the council to indemnify the Minister, the delegate and the Management Committee in relation to that consent. In at least eight of the delegations extensive work will need to be carried out by the bureau. I imagine that it or the delegate will not want simply to hide behind disclaimers and council indemnities. My questions to the Minister are:

1. Does the Minister agree that the spirit of the Local Government Act does not envisage a wholesale delegation of ministerial powers to the chairman of the body of the bureau, not even mentioned in the Local Government Act? As I mentioned before, the removal of ministerial approval will be on the agenda when new legislation is answered by this Council.
2. What legislative or other value is there in a disclaimer?
3. What additional resources will the bureau be given in order to have the delegated matters properly and thoroughly researched so that there is not a lengthy delay in getting approvals, and so that the approvals are properly based?

The Hon. ANNE LEVY: This is a surprising question for the honourable member to ask. I hardly need remind him of the agreement that was signed by the Premier and the President of the Local Government Association in October last year, in which it was agreed to negotiate a whole range of matters over the period of the next 18 months beginning on 1 January this year.

Certainly, local government wishes to be far more independent and not to have to obtain ministerial approval for a whole range of matters. They should be regarded in every way as an autonomous, self-regulating, responsible tier of government.

However, until agreement is reached on changes to the Local Government Act, the Act stands in force. Under the Act, certain ministerial approvals are required. We may regret that they are required and feel that this is intervention by State Government in local government matters. Until the Act is amended, obviously it remains in force. There is the power of delegation under the Act with no restriction on whom the power is to be delegated to or under what conditions it is to be delegated.

We had discussions with the Local Government Association regarding this matter and it was agreed between the State Government and the LGA that, in the interim, prior to the Act being amended, there would be delegations from the Minister to the bureau.

The Hon. J.C. Irwin: Were all councils involved in that?

The Hon. ANNE LEVY: We negotiated this matter with the Local Government Association. According to the memorandum of agreement, it is the LGA with whom the State Government negotiates. It represents the local government community in this State. It was with that association that these negotiations were held. There was full agreement that there should be these delegations to the management committee of the bureau. The list of matters which could be delegated was discussed, both with the management committee of the bureau and with the LGA, and the list was drawn up accordingly.

The honourable member mentioned three matters where a condition of the delegation is that the disclaimer be part of the approval process. That same disclaimer has been put whenever ministerial approval has been given on any of these matters. Prior to the agreement, I had to give numerous approvals either for investments, entrepreneurial activities or for works over public roads—the latter usually involving the building of a verandah over a footpath. However, in every case in which I gave approval, it was with that disclaimer. There is certainly nothing unusual about such a disclaimer. In fact, I suggest that it would be unknown for approval to have been given without this disclaimer.

It has an obvious legal effect, If there should be subsequent legal action relating, for instance, to a poor building practice in building a verandah, an aggrieved party who was taking action would not be able to trace back to the Minister the responsibility for the poor building work.

The Hon. J.C. Irwin interjecting:

The Hon. ANNE LEVY: Not at all.

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is for the Minister to give approval that there be this interference with the public road, but it is not the Minister's responsibility to ensure that the building work is of an appropriate standard. That is the responsibility of a building inspector.

The Hon. J.C. Irwin interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is a building inspector who is responsible for ensuring that the quality of or specifications for any building work are up to standard. It is also the responsibility of the builder to ensure that he carries out the work to the appropriate standard. If that standard is not met, then people can take legal action.

The approval which the Minister used to give and which the Bureau Management Committee now gives is not an approval that ensures adequate building standards; it is merely an approval to undertake that work. It is the responsibility of others to see that the standard of work is adequate and that sufficient care is taken in undertaking that work. I assure the honourable member that I have never personally given any of these approvals without making a condition of the approval a disclaimer of the type indicated, and I very much doubt whether any of my predecessors as Local Government Minister would have given that approval without such a disclaimer. There is nothing new to this at all.

With regard to the resources for the bureau, it was part of the agreement in the memorandum of understanding that the bureau would exist for 18 months, that the State Government would fund it at the existing level for all the services it contained for the 1990-91 financial year, and that for the 1991-92 financial year the State Government would provide half that amount of money. That was the agreement with the Local Government Association.

If the bureau's resources are not adequate for its task, that is the responsibility of local government. The Local Government Association was made well aware, nearly 12

months ago, of the resources that the State Government would provide to the bureau. I point out that the bureau, although presently staffed by public servants, is managed by and is the responsibility of the Bureau Management Committee on which there are State and local government representatives, with a clear majority of members being from local government and chosen by the Local Government Association. The Chair of the bureau was the joint choice of both the State and local government.

As I understand it, the Local Government Association wishes the bureau to cease functioning at the end of this year. It is hard to say at the moment whether or not that will be possible, given that there are still many matters concerning the bureau that are being negotiated between the State and local government negotiating teams. The Act, with the current requirements for ministerial approval (amongst other things), will continue in existence until agreement has been reached on a whole range of matters between State and local government and until the consequent legislative changes can be passed through this Parliament.

I assure you, Mr President, that there is no delay on my part: as soon as agreements have been reached I will introduce the necessary legislation in the Parliament as speedily as possible—and I hope that this Parliament will deal with it as speedily as possible—so that this slightly awkward interregnum can be brought to an end.

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister for Local Government Relations questions about the Minister's delegations.

Leave granted.

The Hon. K.T. GRIFFIN: My colleague, the Hon. Jamie Irwin, has already referred to a long list of delegations by the Minister to Mr D.G. Ross and to Mr K.R. Adams of various ministerial powers and functions under the Local Government Act. I note that the power to delegate is expressed in the last section of the Local Government Act. However, I suggest that, generally speaking, when powers of delegation have been granted by legislation, they have tended to be used more for administrative issues rather than for substantive issues. However, while the power to delegate to the Minister is included in the Local Government Act, there is no express obligation on the person to whom it is delegated to either consult with the Minister or even report on delegations which may have been exercised.

Some of the powers and functions delegated by the Minister can have very serious consequences for the citizens and local governing bodies. For example, the power to approve the acquisition of land by a council under the Land Acquisition Act is delegated. The list of delegations made by the Minister also includes the power to grant leases of more than 6 hectares of parklands for periods up to 21 years, the power to consent to the abolition of the Levi Park controlling authority or to any change of the use of the park, which in the past has been a highly controversial area. It also includes a power to approve a project by a council (under section 197 of the Local Government Act), a project which may well be entrepreneurial in nature and involve substantial borrowings.

My recollection of the debate on that subject was that the Parliament felt that it was necessary to interpose the authority of a Minister in respect of such approvals, rather than leaving entrepreneurial activity entirely at the discretion of local governing bodies. There are other delegations of powers and functions of similar significance. Several aspects of those wide-ranging delegations do cause concern. I note the Minister's answer to my colleague, that they result from the negotiating process between State Government and the local governing body. However, one might suggest that the way in which the delegations have been granted in the so-called interregnum could amount to either an abdication of responsibility or a manipulation of the intention of the Act.

The first concern is the level of accountability of the Minister—and one might ask whether this is an extension of the philosophy by the Bannon Government, expressed by the Minister of Forests, Mr Klunder—that Ministers accept responsibility but not culpability for things that go wrong. In the present context, if something goes wrong in relation to a power or function exercised by the delegate, is the delegate culpable but the Minister not?

The second area of concern is the exercise of the powers conferred by Parliament on a Minister by a non-elected and non-accountable delegate. That may change if legislation is subsequently enacted to remove the necessity for ministerial approval, but it remains at the present time. The third area of concern is the exercise by a delegate of powers and functions where the exercise has such potentially serious consequences for citizens of local governing bodies, where the ministerial approval was provided as a safeguard against abuse of the exercise of those powers of functions. My questions are:

1. Will the Minister review the delegations granted, particularly relating to the power to compulsorily acquire, and withdraw those delegations with potentially serious consequences for citizens so that the Minister can accept responsibility and accountability under the current law?

2. Will the Minister accept both culpability and responsibility for the exercise of powers and functions by the delegate?

The Hon. ANNE LEVY: I am amazed. This is the first time it has been suggested that any member of this Parliament—particularly members sitting opposite—does not agree with the memorandum of understanding, which was signed by the Premier and the President of the Local Government Association, relating to the question of separating as much as possible the spheres of State and local government, of giving local government greater responsibility, of recognising it as an autonomous sphere of government and of allowing it to be self-regulating and, to the maximum extent possible, not a handmaid or child of State Government. The delegations have been authorised quite legally, and there is no suggestion that I did not take legal advice in this matter.

The Hon. K.T. Griffin: There is no suggestion of that.

The Hon. ANNE LEVY: The honourable member says he is not suggesting that. When he suggests that the intention of the Act has been improperly exercised, surely he is implying that an improper action has taken place and that it may well be against the spirit of the Act and, consequently, illegal. Mr President, I can assure him and you that I have legal advice that this was perfectly legal and was not in any way an abrogation or a misuse of my power or an improper act for me to undertake.

I stress again that it was done as part of the new relationship between State and local government, that as much as possible local government should be autonomous, responsible and self-regulating and that the series of delegations were negotiated with the Local Government Association. In particular, I am sure that the honourable member will see, if he checks the list of delegations (I am afraid that I do not have a copy in front of me) that, with regard to the entrepreneurial activities, a condition of the delegation is that the management committee of the bureau must take advice from Treasury as to the financial implications.

When Ministers of local government were asked for similar approvals, they also took advice from Treasury on the

financial implications. Ministers of local government are not necessarily experts in detailed financial matters and the best possible advice on financial matters to be found in Government is in the Department of Treasury. Ministers certainly take advice from Treasury in such matters and the condition of delegation is that the management committee likewise will take advice from Treasury before—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —giving the approval that has been delegated to them. I repeat: I am amazed that members opposite are querying, in effect, the new relationship between the State and local government. They want the State Government to keep holding the hand of local government and not regard it as autonomous, self-regulating or responsible.

The Hon. J.C. Irwin: Change the Act.

The Hon. ANNE LEVY: The honourable member says 'Change the Act'.

The PRESIDENT: Order!

The Hon. ANNE LEVY: We have every intention of changing the Act, Mr President, as soon as the negotiations regarding the changing of the Act have been successfully completed. These negotiations are occurring and I can only suggest that, if members opposite have any concerns, they should take them up with the Local Government Association and indicate that they do not approve of local government being responsible, autonomous and self-regulating.

The Hon. K.T. GRIFFIN: As a supplementary question, Mr President, in the light of the non answer to my questions, will the Minister indicate whether or not she will accept both culpability and responsibility for the exercise of powers and functions by the delegate?

The Hon. ANNE LEVY: I am sure that the relationship between me and the delegate is exactly the same as applies to any other delegation which occurs under any other Act passed by this Parliament.

ACCOMMODATION TAX

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Tourism a question about hotel and motel occupancy rates.

Leave granted.

The Hon. DIANA LAIDLAW: Hotels and motels in Adelaide, and in South Australia generally, are battling low occupancy rates and low returns. The recession, a glut of accommodation, plus airline and coach discount packages are given as the reasons why about half the beds in Adelaide's hotels above a three star rating are now empty.

Leading hotels such as the Hyatt Regency report an occupancy rate of 52.4 per cent in June, 45.8 per cent in July and about 50 per cent for this month, while the Adelaide Hilton has suffered a decline from 64 per cent to somewhere about 58 per cent over the same six month period last year. While the Ramada Grand's occupancy rate this month was 41 per cent, it was slightly higher last month following a promotional campaign. The occupancy rate at the Hindley Parkroyal has been 46.7 per cent, 58.2 per cent and 51.8 per cent for June, July and August respectively.

The Terrace Hotel reports a higher than average rate—about 60 per cent—but people in the industry generally acknowledge that this figure is inflated by generous room rate discounts. In fact, the industry questions how a five-star hotel such as The Terrace can offer a room at $60 without compromising service and/or future viability. That hotel, of course, has a very close association with the SGIC. Meanwhile, the South Australian branch of the—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I just hope that the Third Party Insurance Fund and motorists generally are not subsiding that rate now being offered by The Terrace hotel. Meanwhile, the South Australian branch of the Motel Inn and Motel Association reports that occupancies in the city, suburbs—

Members interjecting:

The Hon. DIANA LAIDLAW: This rain is not good for tourism, I suppose—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Great for the farmers—anything to keep the farmers happy.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Meanwhile, the South Australian branch of the Motel Inn and Motel Association reports that occupancies in the city, suburbs and most country areas are the lowest they have been in years. The hospitality industry in South Australia fears—and for good reason—that these depressingly low occupancy rate figures would be aggravated further by the imposition of an accommodation levy or bed tax. I know that industry figures have written to the Minister on this matter over the past month.

Such a proposition has the unqualified support of the welfare lobby in this State, and certainly that was noted in its submissions to the Government in respect of the State budget. Also, I am aware that this matter of an accommodation levy or bed tax was on the agenda of the Tourism Ministers Council this year and I recall that in the Minister's submission to GARG last November she reported that TSA would examine the feasibility of such a levy in this State. I ask the Minister, as room occupancy rooms are on average 20 per cent below the 70 per cent figure generally accepted as offering a viable rate of return on investment, whether she will confirm that she and the Government she represents reject, without qualification, the need or desire to impose an accommodation tax or levy in South Australia? Also, will the Minister confirm that the Government will refuse to participate in any national move to impose such a discriminatory and destructive tax or levy on the hospitality industry in this State?

The Hon. BARBARA WIESE: As the honourable member very well knows, if an accommodation tax were to be introduced, it would be dealt with in the budget which is to be brought down by the Premier in another place in approximately 10 or 15 minutes. Until that time, it would be inappropriate for me to comment one way or another about any issue that may or may not be in the State budget. The fact is that, if there were to be an accommodation tax, there would have to be changes to legislation and, therefore, it would be a measure that the Premier would discuss as part of his budget speech in the presentation that he would make to Parliament. As the honourable member—

The Hon. Diana Laidlaw: So, you can't reject that there would be any tax?

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I have made perfectly clear that I can neither confirm nor deny that any such tax would be included in the State budget, because it is inappropriate for any Minister to comment on any aspect of the budget prior to the Premier's introducing the budget into Parliament. He has not yet done that, so I am not in a position to make any comment about what may or may not be included in the budget.

I was going on to say that the honourable member knows very well that I have made public statements from time to time concerning the notion of an accommodation tax, which is a matter that surfaces as an issue within the tourism

industry and elsewhere from time to time. I have placed on record my view that, although an accommodation tax would seem logical if a tax were to be introduced that affected the accommodation industry, my preference would be for such a tax not to be introduced in South Australia, because I believe that it would be inequitable for such a tax to be introduced in this State when it does not apply in any other part of Australia other than the Northern Territory and, also, because some inequities exist with a tax of that sort.

However, as I have also indicated on other occasions, if a tax is to be introduced in the tourism sector that could be applied to, say, tourism marketing (and I hope such a tax would be), it would be a logical thing to do. In fact, such a tax exists in many other countries and is accepted by the tourism industries in those places.

That has been the view that I have placed on the public record on numerous occasions, and I would simply have to invite the honourable member to wait until the budget is brought down to see whether or not the Government—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —is introducing such a tax or otherwise. The honourable member spoke at some length about occupancy rates in hotels and motels in South Australia and she painted what would seem to be an extremely gloomy picture about the state of occupancies at this time. Certainly, I am aware that occupancies are down. Of course, one would expect that occupancies would be down at this time of the year compared to other times of the year, since this is essentially the low season for the tourism industry within the State.

It is no secret that the state of the economy is having an impact on both holiday and business travel in Australia, and I believe that the effects on some of the central business district hotel properties are much more related to a fall-off in business travel than in holiday travel. This is certainly to be regretted, but hopefully the picture will begin to change as the economy improves.

The most recent actual figures that are available to us are for the 1990 calendar year, and they show that during the course of that 12 month period there was a 2.6 per cent fall in occupancy rates from 52.6 per cent to 50 per cent. However, it must be borne in mind that during that same period there was, in fact, a growth in the number of rooms available, so one would expect that, coupled with a downturn in the economy and the changing travel patterns which that brought, there would be a drop in occupancy rates.

It should also be borne in mind that, overall and on average, the takings in the accommodation sector during the course of the 1990 calendar year increased by some 15 per cent or more in South Australia. I think that, overall, that is a healthy outcome, although I am sure that it partly reflects the growth in the number of rooms available in the upper sections of the accommodation market.

All I can say to the honourable member is that I am very well aware of the impacts that the state of the economy are having on various sections of the accommodation industry. The Government is very well aware of those impacts but, as to any decisions that may or may not be included in the State budget, I will have to ask the honourable member to be patient and wait for the budget announcements.

NIGHT SPEED CAMERAS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Emergency Services a question about the use of speed cameras at night.

Leave granted.

The Hon. J.F. STEFANI: The public would by now be well aware that since the introduction of speed cameras, more than 70 000 traffic infringement notices have been issued by the Police Department, resulting in the huge grab of more than $7.5 million from offending motorists who have been photographed by the speed cameras and issued with fines without the loss of demerit points.

At present, speed cameras operate in South Australia in more than 300 locations. Recently the Minister of Emergency Services announced that the Police Department was commencing the use of speed cameras at night, using a flashlight to photograph speeding motorists. My questions are:

1. How many speed cameras are being used at night?
2. When did the Police Department introduce the night use of speed cameras?
3. How many traffic infringement notices have been issued through the speed camera system since its inception?
4. How many traffic infringement notices have been issued through the night use of speed cameras?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

REGIONAL ARTS OFFICES

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about regional arts offices.

Leave granted.

The Hon. PETER DUNN: It has been drawn to my attention that the Port Lincoln local government association would like to buy the regional arts offices, which sit behind the local institute; they have the money, and the price for the property, which is currently occupied by the Cultural Trust and the Arts Council of Port Lincoln, would be something under $100 000. Were these offices to be sold, would the Government require the realised moneys to be paid into consolidated revenue, or could the Lower Eyre Peninsula Cultural Trust retain the money for the development of a cultural centre for which the community has waited so long? Also, is there any priority for the spending of funds on new regional centres?

The Hon. ANNE LEVY: With regard to the last question, numerous regional areas have approached the department for capital resources for either renovation or building of new arts related facilities. Whilst very sympathetic to all the requests that I have received, it has not proved possible in recent years to be able to contribute other than small amounts through the Arts Facilities Capital Grants Committee. In the consideration of various requests for capital funding, I have always given a very high priority to the requirements of Ceduna, and have informed the Murat Bay council of my concern about its inadequate facilities. Unfortunately, to this date we have not been able to assist other than, as I say, in a fairly minor way. I think that the honourable member is referring to the offices and gallery area situated in a street whose name I have forgotten.

The Hon. Peter Dunn: Liverpool Street.

The Hon. ANNE LEVY: Is it Liverpool Street? In any event, it is not far from the new council chambers in Port Lincoln. This property comes under the jurisdiction of the Eyre Peninsula Cultural Trust—not the Lower Eyre Peninsula Cultural Trust—which, of course, includes members

from all over Eyre Peninsula. It includes at least one member from Port Lincoln, but membership is drawn from right around Eyre Peninsula.

Whether or not that property is sold will be a matter for the Eyre Peninsula Cultural Trust to consider. My understanding is that they are not particularly keen to sell the property but that, if they did, they would obviously wish to use the funds to replace it with other offices and gallery facilities in Port Lincoln. They are very welcomed and much used facilities. Although I agree that they are not as young as they used to be, they provide very important and desirable premises for the activities of the Eyre Peninsula Cultural Trust in Port Lincoln.

The Hon. PETER DUNN: As a supplementary question, would the Eyre Peninsula Cultural Trust be allowed to retain that money should it sell those buildings?

The Hon. ANNE LEVY: If the Eyre Peninsula Cultural Trust decided to get rid of its real property in Port Lincoln, I would hope that it would have discussions with us regarding replacement property. Certainly the money would not be extracted to Treasury, if that is what the honourable member is concerned about. I would want to discuss the matter with the Chair and other members of the trust if there was any suggestion that this capital money was not to be used for other capital purposes.

PUZZLE PARK

The Hon. BERNICE PFITZNER: Has the Minister of Tourism a reply to my question asked on 15 August about Puzzle Park?

The Hon. BARBARA WIESE: As the appropriate Minister, I can provide the following answers in response to the honourable member's questions. Puzzle Park is not licensed under the Places of Public Entertainment Act. There are Australian design and construction standards which apply to the type of equipment used at Puzzle Park. The inspector, Places of Public Entertainment, has received the report from the Health Commission Injury Surveillance Unit and has asked the Playground Advisory Committee to inspect the premises and provide a report on the structural integrity of the amusement devices having regard to the Australian design and construction standards and generally accepted community attitude towards this type of equipment.

Once this report is received, the inspector will make a recommendation on whether Puzzle Park should be required to be licensed under the Places of Public Entertainment Act. The recently announced review of the Places of Public Entertainment Act will examine the scope and operation of the Act and recommend any changes which may be necessary having regard to the present and future needs of the South Australian community and whether the present legislation adequately fulfils those needs. The South Australian Health Commission has been invited to make a submission.

TRANSFER OF PLANNING POWERS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister for Environment and Planning, a question about the transfer of planning powers.

Leave granted.

The Hon. BERNICE PFITZNER: Earlier this year the Minister attempted to transfer State planning powers to local government by gazetted regulation, in particular, schedules 5 and 7 of the Planning Act. This was disallowed by the vote of the majority in this Chamber. It has been reported that the State planning powers were raised at a recent State Labor Party Convention and that there was a motion calling for planning powers in areas of State significance to be retained by the State. The motion reads:

> The convention calls on the State Government to retain current planning and environmental policies whereby areas of State significance remain under the control of the State Government as far as development, land use, land management plans and administration are concerned. These policies to be retained in any changes made as a result of the current planning review.

I understand that the motion was carried unanimously. My questions are:

1. Will the Minister be attempting to transfer planning powers in the areas of State significance again to another authority in spite of the reported motion?

2. Will the Minister support the unanimous motion to retain planning control of areas of State significance, in spite of the changes recommended by the current planning review?

The Hon. ANNE LEVY: I am delighted to see the interest taken by the honourable member in the activities of the Labor Party State Convention. Such interest is to be commended. I am unable to say whether the motion as read out by the honourable member was the one which was passed by the State convention. Many of the motions were amended prior to being adopted unanimously by the convention. Not having the document in front of me, I am afraid that I cannot comment in that regard. I will refer the honourable member's question to the Minister for Environment and Planning in another place who, I am sure, would be equally delighted with the honourable member's interest in the ALP State Convention, and bring back a reply.

SEPTIC TANK EFFLUENT DRAINAGE SCHEMES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Water Resources, a question about common effluent drainage schemes in the City of Tea Tree Gully.

Leave granted.

The Hon. J.C. BURDETT: There are many common effluent schemes in the City of Tea Tree Gully; that is to say, they are not on deep drainage. The householder has a septic tank, the effluent goes through the septic tank and then into the common effluent scheme and it is disposed of under that scheme. All this is under the control of the city council. In respect of water and sewerage rates, the householder is not charged a sewerage rate but is charged a sewerage fee by the council, and there is no complaint about that aspect. These schemes evolved in the outlying parts of the City of Tea Tree Gully because, when that area was established, there was no chance of obtaining deep drainage, and this was the only means of developing the area. I am not referring to parts of the hills face zone or anything like that. These areas are now thoroughly built up, regarded by everyone as part of the metropolitan area.

The Corporation of the City of Tea Tree Gully and its ratepayers have been canvassing for some time to have these schemes replaced eventually, but certainly in the meantime to be taken over by the E&WS Department. When the Hon. Dr Hopgood was Minister of Water Resources, he made a promise with a time frame to do that. That time frame has passed. A similar request has been made of the present Minister who has declined to accept responsibility for these schemes. When these schemes were

installed, it was not expected that they would be operating for very long—only until deep drainage could be installed. They are now breaking down and causing spills. They are also causing all sorts of problems for the council and, more particularly, for the unfortunate residents who live in the areas served by the schemes. My questions are:

1. Will the Minister indicate a time frame within which these schemes will be taken over by her department?

2. Will she also indicate a time frame when they will be replaced by deep drainage?

The Hon. ANNE LEVY: I will refer those questions to the Minister of Water Resources and bring back a reply. I must point out that, as far as I am aware, for the past 2½ years at least, the common effluent drainage scheme has been called the Septic Tank Effluent Drainage Scheme (STEDS).

PARKING REGULATIONS

The Hon. J.C. IRWIN: Has the Minister for Local Government Relations a reply to a question I asked on 20 August about parking regulations?

The Hon. ANNE LEVY: In view of the time, I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The honourable member has suggested, perhaps ambiguously, that this part of the Local Government Act dealing with Regulation of Parking and Standing of Vehicles either had needed prior to the 1990 Amendment Act, or might now need, complete replacement, and queried the Government's timing on the introduction of the regulations if this were so.

It is not so. The honourable member may recall that Parliament in December 1990 passed the Local Government Act Amendment Act 1990 which amongst other matters did amend several sections of Part XXIIA. It was by no means completely replaced nor is there any intention to do so. The amendments relevant to the parking regulations were proclaimed on 27 June 1991 to come into effect on 5 August 1991, contemporaneously with the new Parking Regulations and Expiation of Offences Regulations.

As previously pointed out, a lengthy consultation process took place, with all councils having the opportunity to provide input on the drafting of the regulations and to comment on draft versions—three of which were circulated between August 1989 and March 1991. The decision to gazette the proclamation in advance of its effective date, but with less than three months delay, was made with the full knowledge and concurrence of the Local Government Association, which felt that given the lengthy consultation process, adequate notice had been given.

Although all councils knew that the proclamation was imminent, some including Unley city council, were advised individually in May of the likely timing and then in early June of the actual date of operation. Councils mainly expressed concern about stationery. However, all councils had ample time to consider and plan for their new signage requirements and the design of their new stationery the last draft of the regulations having been circulated in March 1991, and five weeks were available between gazettal and operation for actual printing.

More importantly, councils' comments on the draft regulations were all considered and where appropriate incorporated. It is quite incorrect to suggest major problems with the content or implementation of the changes. In fact the procedure for introducing parking controls has been simplified, as councils now keep a register of same, but are no longer required to gazette them.

One minor problem has been detected with the amendments passed last year and proclaimed on 5 August 1991. It appears that depending on the interpretation of new section 789 *(b)*, dealing with liability of vehicle owners, there may be a loophole in some unusual and infrequent circumstances. This is currently being addressed by a proposed amendment to the regulations and will be rectified by a minor amendment to the Act in the next Sundry Amendments Bill.

It is unfortunate that any confusion the honourable member has on these matters, or any lack of preparation by a minority of Councils, should be used to raise anxiety about the workability of these provisions. The Local Government Association fully supported the timing adopted and the introduction of amendments to the Act was contemporaneous with the regulations.

The Local Government Association indicated that very few adverse comments were received by it with regard to the revision of Parking Regulations and Expiation of Offences Regulations, a reflection of the long and thorough consultation process which was undertaken with regard to the regulations. Naturally, if any real problems are identified, I hope that they will be brought to my attention promptly so that steps can be taken to deal with them.

LEAVE OF ABSENCE: Hon. J.F. STEFANI

The Hon. R.J. RITSON: I move:

That three weeks leave of absence be granted to the Hon. J.F. Stefani on account of his attendance at a European Trade Fair.

Motion carried.

WORKER'S LIENS (REPEAL) BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 473.)

The Hon. J.C. BURDETT: I join my colleague, the Hon. Mr Griffin, in opposing this Bill. The particular area I want to talk about is that the Bill would achieve an immediate repeal of the Worker's Liens Act, and we were told in the second reading explanation that it would not be proclaimed until there was some mechanism in place for looking after the rights of subcontractors and others. I consider this to be a very sloppy form of legislation. There are some problems with the present Act, as the Hon. Mr Griffin pointed out. Quite often it militates against the house owner—the home builder—and that is most regrettable, but it protects the contractor and fills a need. There is a need, particularly where the principal contractor goes bankrupt or into liquidation (as the case may be) to protect a subcontractor, and something must be done in that regard. It is a most unsatisfactory situation, particularly because this is a repealing Bill, and if the Bill is passed there will not be an Act—there will not be any form of protection.

The proper legislative procedure would clearly be to introduce in the Bill another form to protect the subcontractor and others and to protect the areas which the original Act protected, before the repealing Bill is introduced or passed. The remedies to protect the subcontractor and so on may not be legislative. It may be that the remedies are an indemnity fund or something of that sort; they may come

from the private sector. But it is wrong and sloppy to repeal the present Act until something else is in its place.

The Bill provides that it shall come into effect on a date to be fixed by proclamation, and I complained about that in my Address in Reply speech. I pointed out that to have Bills, and so many of them, that come into effect or partly come into effect on dates to be fixed by proclamation—and so many of them have not been proclaimed for a long time, and some of them apparently are never to be proclaimed—is a gross Executive intrusion into the legislative function of Parliament. Parliament is asked to pass a Bill that will not come into operation until a date to be fixed by proclamation, and then it is up to Executive Government when and if it brings it into operation. Parliament no longer has any say or control. Parliament will not be consulted as to whether it is satisfied that the evils to be overcome have in fact been overcome. It will be entirely at the whim of Executive Government to make that decision.

I realise that often it is necessary for Acts not to come into operation on the date on which they receive royal assent, but on a date when they or part of them are proclaimed by proclamation. The general and legitimate reason for that is that regulations have to be made in order to make the Act function. Of course, the regulations cannot be made until the Act has been passed and, in those situations, to delay the proclamation until the regulations are ready to be in place is proper and understandable. However, this is a repealing Bill: there will not be any regulations pursuant to it. To me, it is a gross intrusion of the Executive into the function of the Parliament to say, 'All right, let's repeal the Act. We know that some things have to be done and we won't proclaim it until we are satisfied that they have been done.'

The right way to go about it is the other way: that is, not to introduce or pass the Bill until the mechanisms to overcome the problems are there and in place. I do not think that anybody would believe that if that procedure were adopted there would be any problem in passing a Bill at the appropriate time. It would go through Parliament in very short order. There has been a select committee of the House of Assembly on this subject. For those reasons, in addition to the reasons given by the Hon. Mr Griffin, I oppose the Bill.

The Hon. J.F. STEFANI: I support the position that my colleagues, the Hon. Trevor Griffin and the Hon. John Burdett, have already outlined on behalf of the Liberal Opposition. Having a very good knowledge of the building industry, I would like to say a few words about the subcontract payments system which is operating in the construction and building industry and which is relevant to the repeal of the Worker's Liens Act. The start of the 1990s saw all the signs for a building and construction industry downturn with reports of financial difficulties being experienced by subcontractors, project managers, builders and developers. Rumours were widely circulating within the industry concerning the financial instability of companies operating in the industry. Whilst, for the most part, these rumours were unfounded, the industry is facing major difficulties.

It is against this background that the concerns of specialist contractors have been expressed to me in relation to the payment process within the building and construction industry. It is clear that these problems will be addressed by individual specialist contractors as and when they occur. However, it is also clear that, when similar concerns are expressed across the specialist contracting industry, the problems must be identified and addressed by the industry and by the Government.

The problems encountered with the present payment system operating in the building industry are, for the most part, not new. However, they have been aggravated by the downturn in the economy and building activity. Further, they are integral to the building and construction industry and, as such, must be addressed by the participants in the industry, with the assistance of the Government.

Standard documents currently used by the building industry provide for payments of progress claims to the head contractor, under the head contract agreement, and the subsequent disbursement of these funds is made to the specialist contractor under the terms of a subcontract agreement. To a large extent, this system fails to recognise changes which have occurred in the industry in recent years. Historically, it was the builder who either directly employed the majority of labour on site or provided labour and materials for subsidiary companies which, as part of a group, were providing specialist services. However, now it is the specialist contractors who supply the majority of labour and materials. Therefore, it follows that the entrepreneurial risk associated with the securing of payments for materials and labour supplied rests with the specialist contractors.

The changes that have occurred in the nature and shape of the construction industry in recent times are well-known and have been well documented. Recently, we have seen more of an entrepreneurial approach with the establishment of the concept of project manager/construction management. The result is that in most instances the traditional role of the builder has dissipated to the role of a managerial coordinator.

The recent financial collapses of a number of main contractors have left many specialist contractors with large amounts of money outstanding, in relation to which there is little or, as in most cases, no possibility of recovering the debt. In some cases, the financial collapse of the main contractors has occurred with little warning. Others have been preceded by rumours circulating throughout the industry for some months beforehand. However, even in these cases, attempts by specialist contractors to collect payments have failed.

The list of financially-failed main contractors grew alarmingly during 1991 and, whilst this problem was not unique to South Australia, the impact on South Australian industry has been very damaging. Various attempts have been made within the building industry and by the Minister of Housing and Construction to address the problem. Unfortunately, the building industry, but more particularly the Government, is no closer to the implementation of an effective solution to the problem.

The proposal by the Government to repeal the Worker's Liens Act will leave thousands of specialist contractors without any protection. Many of them have already faced the impact of builders' insolvencies, and, in some instances, have themselves been forced to go into liquidation and sack their workers. Obviously, the Government is not interested in building workers losing their jobs because, through Government intervention, employers are losing the protection that the Worker's Liens Act would afford them.

The Bannon Government is again side-stepping its responsibilities and is prepared to forget workers who might lose their jobs because of this ill-conceived Government initiative. I am of the view that until a suitable system is developed to achieve the security of payment for specialist contractors operating in the building industry, and thus affording building workers greater security of employment through a more reliable payment system to their employers, the Worker's Liens Act should remain in place to provide whatever better protection it can afford to both the specialist

contractors and their employees. I do not support the Government's Bill, which seeks to remove the Worker's Liens Act from the statutes.

The Hon. T. CROTHERS secured the adjournment of the debate.

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 August. Page 474.)

The Hon. BARBARA WIESE (Minister of Consumer Affairs): I thank the Hon. Mr Griffin for his contribution to this debate. I shall to respond to points he made. In his contribution, the honourable member referred to regulations under the Trade Practices Act which require leathergoods to be identified as to the type of base product, for example, snakeskin, cowhide and so on. In addition, non-leather products which may look like leather products also require some identification as to the base product. South Australia is one of four States which requires identification of leather products. Victoria, Queensland and New South Wales also require leather goods to be identified.

The provision of information to consumers so that they can make appropriate decisions has always been considered essential by this Government. The information standards which follow the national model developed by the Commonwealth and State Consumer Products Advisory Committee (CSPAC) provided for in regulations do just that and are indeed necessary. For example, I understand that it is possible for cow hide to be processed in such a way that the final product resembles snake skin. Both could be called leather, however genuine snake skin can command a higher price. Consumers should have adequate identifying information so that they can make a choice about which product they will purchase.

As I said earlier, South Australia is not alone in this; other States require similar information. I am, however, willing to consider the impact of these regulations on retailers. The Retailer Traders Association has written to the Department of Public and Consumer Affairs about this issue. I have asked the Chief Executive Officer, Ms Vardon, to discuss this issue with it and, hopefully, that will lead to some agreement on the matter. As to the content of the Bill, I thank the Hon. Mr Griffin for his support, on behalf of the Opposition, for the measures that are contained in it.

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

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 27 August. Page 470.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading. As members would appreciate, it is the normal course of events for Parliament to consider, in addition to the Appropriation Bill, two separate Supply Bill measures.

Members will recall that in the autumn session of the Parliament we passed a Supply Bill which enabled public sector services to continue to operate for the first two months of this financial year and that authorisation for expenditure would finish at the end of this month. This particular Supply Bill will allow a continuation of public sector services until the passage of the Appropriation Bill, which is being introduced today in another place, and that passage is not expected until November.

So, as members would appreciate, these Supply Bills are a standard procedure to enable the continuation of the operation of the Government Public Service until the Appropriation Bill debate can wend its way through the stages in another place, the Estimates Committees, and then through debate in the Legislative Council and, as I said, generally that does not occur until some time in November.

In addressing some thoughts and comments to the Supply Bill, I make a general comment in relation to the availability of budget papers for members of the Legislative Council. I know that the availability of budget papers is more appropriately a matter for the Appropriation Bill debate, but I have been in this Chamber for some nine years and I have always understood the normal procedure was that members of this Chamber received the budget papers at around 3.15 p.m. or soon after we finished Question Time. My memory may be failing—I am getting older—but I am advised that, for some reason, this year the members of the Legislative Council will not receive the budget papers until some time after 4 o'clock.

From memory, in previous years we received the papers somewhat earlier than that. That may not be the case, Mr President, but I am interested to know whether or not you would be prepared to make some inquiries in due course to see what the precedents are and, if it has been the case that we received the copies of the budget papers somewhat earlier than after 4 o'clock, I hope that perhaps next year we could recommence that tradition again and obtain copies of budget papers somewhat earlier than after 4 o'clock.

The PRESIDENT: I would be happy to take up the matter and discuss it with the Leader of the Government and bring back a reply.

The Hon. R.I. LUCAS: I understand there has been a budget lockup with the media, etc., from about 12 o'clock or 1 o'clock today. I think they are let out at 3 o'clock on the basis that the budget speech commences at 3 o'clock, so I would have thought that, if members of the media are able to run rampant with budget information after 3 o'clock, then perhaps members of the Legislative Council might be able to be privy to the details included in the budget documents.

In addressing the Supply Bill, I make some general comments about the State of the South Australian economy. The simple statement is that the South Australian economy, as is the national economy, is in a parlous state at the moment. One has only to look at the employment and unemployment figures in South Australia to understand the frustration of working class South Australians and working class families, in areas that should be represented by members of the Labor Party like the Hon. Mr Crothers from the northern suburbs of Adelaide—the Elizabeth and Salisbury area—and other members of the Labor Party who represent very strong working class areas of metropolitan Adelaide—the north, the south and the western suburbs. One can imagine the absolute frustration that those families must feel when they see the effects of the budget policies of Premier Bannon and Prime Minister Hawke and now Treasurer Kerin.

As members would be aware, in South Australia we have unemployment of 10.4 per cent compared to a national average of 9.8 per cent. As I indicated during the Address in Reply debate, we have the sorry record of having the largest number, in absolute terms, of job losses in one

particular month—the month of July—that has ever been on the record of the labour force figures since they were first collected in the late 1970s. In one month alone here in South Australia we lost 20 000 jobs.

As I indicated during the Address in Reply debate, whilst a large proportion of responsibility for that situation has to be accepted by national policy—the national Government—because of his last State budget and because of the way he has incompetently handled State finances, the Premier and Treasurer has to accept a fair amount of responsibility for the sorry state of the South Australian economy. So, those working class families in Elizabeth and Salisbury, in Port Adelaide, Hackham and Christies Beach, know that it is not just Hawke and Kerin who have to be blamed for their sad situation, but also Treasurer Bannon has to accept his fair share of responsibility for their parlous state.

Young people cannot get jobs. If a job is advertised perhaps 200 or 300 young people will apply for that job and only one person can get that particular job. One can appreciate the frustration of those young people as they face months and months of unemployment and every honourable member in this Chamber must know either a friend or family acquaintance who has a son, a daughter or a grandson or granddaughter who has been struggling to find work since November of last year, since the end of the last school year, and thousands of them have spent a frustrating 10 or 11 months on the job market seeking employment.

We all know those young people. Most of them want to work. Admittedly, there might be a small number who do not, but most of them want to work. They apply themselves assiduously each and every day to the classified ads in the *Advertiser* to try to find a job, but as members would know, 26.6 per cent of our 15 to 19-year-olds in South Australia are unable to find employment. As members would also know, when the next unemployment figures are published, it is highly likely that they will show over 30 per cent of our young people or of our 15 to 19-year-olds are unable to find employment and that our unemployment figures over all the work force is likely to go above 11 per cent.

Whilst we have this tragic situation, we have a Federal Treasurer who, in the days after the Federal budget, said that unemployment was going to peak at 10.75 per cent, but then said that unemployment was likely to continue at about 8 to 10 per cent for at least the next two years.

Various sections of the Labor Party, and notably some sections of the Left that have not been so corporatised by the Hawke/Kerin Cabinet model of the Commonwealth Government and have not had their very reason for entering Federal Parliament changed so much by the requirements of Prime Minister Hawke and Treasurer Kerin (and Mr Keating before him), have been very critical of the statements made by Treasurer Kerin.

We note that in the past 24 to 48 hours he has attempted to back away partially from those earlier claims, but is still conceding that the future for employment in Australia, and indeed in South Australia, is extremely bleak. The Supply Bill debate, and the Appropriation Bill debate that we will have in one or two months, are good opportunities for members in this Chamber to cast the rule over the financial performance of the Bannon Government. One has merely to look at the performance just going back to the State election and onwards from there to prove conclusively the case that Treasurer Bannon has been financially incompetent in his control of this State's finances.

I was interested to go back to the period of November 1989 and look at one of the scare press releases drafted by Mr Anderson and Mr Rann during that election campaign. The heading of Premier Bannon's press release in the dying weeks of the campaign, as they became more desperate, was 'Olsen's election promise blowout would plunge South Australia into crisis'. The press release stated:

> The Premier, Mr Bannon, today published a detailed analysis of the Liberal Party's election promises which he said showed an Olsen Government would plunge South Australia into financial crisis.

This is Premier Bannon. The press release continues:

> Mr Bannon said Mr Olsen had a 'secret agenda' of tax increases.

An honourable member: When did he say that?

The Hon. R.I. LUCAS: November 1989.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: He said:

> . . . a 'secret agenda' of tax inceases and public sector sackings to pay for his spending blowout. Mr Olsen's—

The Hon. G. Weatherill: What about Dean Brown?

The Hon. R.I. LUCAS: What about Dean Brown? How long since Mr Dean Brown has been in Parliament?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Members opposite can go back 12 or 13 years—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: This is the Terry Roberts defence. We all had a good chuckle some months ago about the Terry Roberts defence. The Labor Party has been in power for 25 years or so, for most of the last two decades. The Liberal Party was in government for three years from 1979 to 1982, and we have the Terry Roberts defence which says that the problems we face are because of the 1979-82 Tonkin Government. Loyalty within the factions can only go so far.

Members interjecting:

The PRESIDENT: Order! I remind the honourable member that he is speaking to the Supply Bill, which is not the Appropriation Bill. Normally we speak to the Bill in hand, and there is not such a wide ranging latitude.

The Hon. R.I. LUCAS: Certainly, Mr President, we are speaking about Supply. Loyalty within the factions goes so far.

Members interjecting:

The PRESIDENT: Order! I do not think that that is particularly relevant to this debate.

Members interjecting:

The Hon. R.I. LUCAS: I am sorry, Mr President, I could not hear you over the interjections. You will have to turn up the microphone. I was going to say that loyalty goes so far but—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —to use an argument that the financial problems of 1991 can be visited on a former member of another place from 12 years ago is stretching loyalty a little bit too far. Certainly, one cannot with all seriousness argue that the financial dilemma that faces South Australia at the time of the debate on this Supply Bill can in any way be sheeted home to the actions of previous Governments or Ministers of 12 years ago. Mr President, I accept your ruling but, as I said, that interjection was certainly wide of the mark.

The press release of Premier Bannon two years ago in relation to State finances talked about the possibility of Mr Olsen's having to increase taxes and public sector sackings. The press release continues:

> Mr Olsen's promises could not be implemented without:
> - Massive tax increases on people and businesses across the State.

- The sackings of public sector workers, including teachers, nurses and police officers.

That was Premier Bannon in 1989 in relation to the possible state of finances under an Olsen Government. Members can see from that statement by Premier Bannon that the situation about which he was talking for the future was indeed the future under a Government presided over by Premier Bannon himself, and what has occurred in the two years since 1989 under Premier and Treasurer Bannon was supported by each and every one of the members across the Chamber today.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Weatherill and others say 'Hear, hear!' There has been a massive increase in State taxes and charges. We had 18 per cent last year and, in the budget papers that we are still to see in this Council, I am advised that there is an increase of around 10 per cent in taxes and charges again this year.

The Hon. Anne Levy: Go and have another look.

The Hon. R.I. LUCAS: If I can respond to the out of order interjection by the Minister for Arts and whatever else, the figures are accurate. The figure is 9.6 per cent, and that is a direct quote from the budget papers and financial statements of the Premier and Treasurer now being tabled in another place. If anyone needs to look at some figures it is the Minister for Arts and whatever else she is meant to represent. Last year we had an 18 per cent increase in taxes and charges, and again we now have virtually a 10 per cent increase in taxes and charges in this budget.

The Hon. T.G. Roberts: There is no consumption tax.

The Hon. R.I. LUCAS: There is no consumption tax anywhere at the moment. There is an increase in taxes and charges, which is what Premier and Treasurer Bannon was warning about potentially under a Liberal Government, but that is what he had introduced. At the same time he talks about—

The PRESIDENT: Order! I must call the honourable member to order, because he is supposed to be speaking to the Supply Bill, which is not the Appropriation Bill, which involves a free-ranging debate. It involves the appropriation of money with which to enable the Public Service to carry on. It is not discussing the forthcoming budget or anything like that. I therefore ask the honourable member to be more relevant to the Bill before the Council.

The Hon. R.I. LUCAS: The Bill before us is the Supply Bill, which supplies moneys for the continuation of Government services so, on the basis of all precedents in this Chamber, any debate that covers Government services and the operations of the finances of the Government has always been accepted by you. I am just looking for some examples of precedents, because such remarks have always been accepted. A Supply Bill debate in which one is not allowed to talk about the state of the budget, from my point of view, would be a most unusual debate. Mr President, I refer you to some precedents in relation to Supply Bill debates.

I refer to the Attorney-General in 1981 talking about a corporate affairs investigation of McLeay Brothers in a Supply Bill debate; the Hon. Anne Levy in 1981 talking about North Haven kindergarten staffing levels in the Supply Bill debate; I could refer to the Hon. Mr Sumner in 1980 talking about Estimates Committees; and the Hon. Mr De Garis in 1981 talking about federalism policy.

Members interjecting:

The Hon. R.I. LUCAS: I am trying to.

Members interjecting:

The Hon. R.I. LUCAS: Well, let me take you back to 1988 if you wish to refresh your memory. Some of the matters covered in the 1988 Supply Bill debate were: languages other than English; the music branch; employment; the economy; privatisation; Rua Rua; Kalyra; country hospitals; a 4 per cent wage rise; and waiting lists. If one looks at the 1987 Supply Bill debate—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: Well, I will get to the message in a minute if you will let me speak. Some of the matters covered in the 1987 Supply Bill debate were: the Entertainment Centre, Kalyra, the budget and Government waste.

The PRESIDENT: My understanding is that a fair bit of leniency has been granted to these debates, but it should still be a matter of relevance to the Bill before us. I would ask the honourable member to try to keep in line with the provision I have made that his remarks should be relevant to the Bill.

The Hon. R.I. LUCAS: I accept that ruling and, indeed, all I intend to talk about—as I have been trying to do—relates to State finances. I think you will agree that that is indeed relevant to the Supply Bill debate, and I accept your ruling, Sir.

As I was trying to indicate before the interjections, South Australia's finances are in a parlous state because of the incompetence of Premier and Treasurer Bannon. He was the Treasurer who presided over large increases in taxes and charges and large reductions in the public sector. If one wants to look at what has occurred within the teaching service, for example, one sees that about 800 teachers were removed from the payroll late last year, or at the start of this school year, as part of Premier Bannon's financial performance. In today's afternoon newspaper we again see the threat of a further reduction of some 3 300 public sector jobs in an attempt to balance the books. The Government must now look for a reduction of some 3 300 public servants because of the enormous growth that Treasurer Bannon has allowed to occur within the public sector over the last two or three years in particular.

If Premier Bannon had frozen public sector levels at the June 1989 level, as was promised by Opposition Leader Olsen during the 1989 campaign, many of the problems that now confront Treasurer Bannon and his Cabinet would not be as significant as they are. When one looks at the financial performance of the Bannon Government, and at the effect of that financial incompetence on Bills such as the Supply Bill (because it affects the amount of money that must be put aside during a Supply Bill debate to pay for ongoing public sector services and wages), one must look at the Treasurer's performance in relation to statutory authorities and other Government or semi-government instrumentalities such as the State Bank, SGIC and the Timber Corporation.

The sad fact is that, as outlined yesterday by Opposition Leader Baker in another place, the State Bank situation is much more serious than was outlined to the House and to the community by Treasurer Bannon in February. Sadly for South Australia, the non-performing loans in the State Bank as of 30 June 1991 have blown out to some $4.2 million. If one takes into account other non-productive items in the State Bank accounts, that figure blows out to $4.7 billion.

One might well ask how that affects the State budget and the Supply Bill debates that we have before us. Any close analysis of the performance of the State Bank and other instrumentalities will show that there is a major effect on the budget and on the Supply Bill. The simple fact is that the budget papers indicate a massive blowout in interest payments of some $230 million this financial year over and above the amount of interest that we as taxpayers had to pay last year to pay off our debts.

We are having to borrow some $330 million every year just to balance the State books, to balance the excess of

what we spend over what we earn. The only way we can balance our financial books in South Australia at the moment under Treasurer Bannon is through massive borrowings of some $700 million over the past two financial years, and through a massive contribution from the South Australian Government Financing Authority which this year is estimated to be some $400 million. That represents an increase of $130 million over last year's contribution of $270 million.

In the space of two years, not only do we have $700 million worth of borrowings, but we have had to take $700 million out of the South Australian Government Financing Authority's reserves and surpluses to try to balance the books and the financial incompetence of Treasurer Bannon and the effect that that incompetence has had on the delivery of public services in South Australia.

We will have an opportunity in the coming days, during the Appropriation Bill debate, to demonstrate that many of the figures included in the budget documents are indeed very rubbery. I refer to some of those estimates of taxation charge increases, particularly the contribution from SAFA, the borrowings figure, and the estimate that the only wage increase that will be paid in the next 12 months is a 2.5 per cent national wage figure, and that anything else over and above the 2.5 per cent will have to be absorbed by all the public sector agencies. In other words, this year the Government will give the Education Department 2.5 per cent to pay for its increases in wages for teachers or other staff but if there is any other wage increase that might be wrung out of the system by the friends and colleagues of the Hon. Terry Roberts in the union movement, any such wage increases, even those that are nationally approved, will have to be absorbed by the various departments concerned. In the space of the nine months remaining in this financial year, they will have to cut back in the other services they deliver to pay for any wage and salary increases over and above the level of 2.5 per cent.

The only other matter which impinges on the Supply Bill debate is the whole question of the Government Agencies Review Group (GARG). Clearly that has an effect on the Supply Bill, as it will affect the amount of money that has to be passed by the Parliament to pay for the delivery of public sector services during the period September to November. Again, the budget documents indicate that, rather than the savings of hundreds of millions of dollars that Premier Bannon was talking about, the only recurrent savings in this financial year will be some $27 million. As a result of all the fanfare and public trumpeting about the Government Agency Review Group, the only savings that can be accumulated for this particular financial year amount to $27 million. We are told that the full year effect might be about $70 million, but those figures give further weight to the statement that I made yesterday in this Chamber in relation to the GARG recommendations for the Education Department. Those figures are indeed rubbery for all Government departments. I suggest that all figures contained in the Bannon budget that we will be analysing over the coming days and weeks are rubbery. By the early part of next year, the State Government will be having significant problems. With those words, I indicate my support and the support of my Party for the second reading of the Supply Bill.

The Hon. DIANA LAIDLAW: My contribution to the Supply Bill debate is brief, and was prompted by the ministerial statement given by the Minister for the Arts and Cultural Heritage in this place earlier today. As the Minister noted, I asked questions yesterday about the regional arts review, and expressed a number of concerns on behalf of local councils in regional areas, the Local Government Association and people in country areas who had spoken with me on this matter.

Today, the Minister indicated that I had made claims that there had been a lack of consultation with the LGA concerning the review, and had implied that the Government process was in breach of the memorandum of understanding between the Minister and local government. She then proceeded to state that, four days before the review's terms of reference were publicly announced, she had written to the Local Government Association President, Mr Plumridge, on 15 July, making references to consultation.

I point out with respect to that letter of 15 July that it was sent some 15 days after this review was first announced, and that the call for submissions from the general public, as provided for in an advertisement placed in the *Advertiser* on 20 July, was some 20 days after the review was first announced. That 20 July date allows a mere five weeks for councils and others in the general public to respond to this most important matter of regional arts.

My main purpose for speaking in this debate is to highlight my claims about a lack of consultation with the Local Government Association and a possible breach of the memorandum of understanding between the State Government and local government, and they are fully supported by published statements by the President of the Local Government Association. I am not sure if the Minister read yesterday's *News*. If she had, I suspect she would not have issued this ministerial statement today. I will simply read these remarks published in the *News* of 28 August, for they substantiate the matters that I raised yesterday, information which I had gained through personal contact with representatives of the Local Government Association and councils. The article states:

> Local Government Association President David Plumridge said he had heard strong rumours of a 'hidden agenda' but had not been fomally consulted by the Government.
>
> He said if such plans were being considered they were outside normal negotiation processes between the Government and the association.
>
> 'It disturbs me if negotiation agreements have not been adhered to in this case', Mr Plumridge said.
>
> He said it was inconceivable local governments would pick up principal funding of the trusts, a responsibility which would remain with the State Government.
>
> 'It is an important initiative to take arts and culture to country areas who would be deprived of them otherwise', he said. 'It was a worthwhile move for the Government to establish the trusts and they should continue to be their [the Government's] concern'.
>
> Mr Plumridge said he was suspicious of a hidden agenda behind the inquiry because the review committee commissioned by the Government did not feature a local government represenative.

That statement comes from the top person in local government in this State and utterly refutes the answers to my questions that were given yesterday in this place by the Minister and also her rather innocuous ministerial statement of today.

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

BUDGET PAPERS

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to table the 1991-92 budget papers.

Leave granted.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism (Hon. Barbara Wiese)—

Enterprise Investments Ltd, Enterprise Investments Trust and Enterprise Securities Limited—Financial Statements 1990-91.
Lotteries Commission of South Australia—Report 1991.
South Australian Government Financing Authority—Report 1990-91.
South Australian Superannuation Fund Investment Trust—Report 1990-91.
South Australian Superannuation Board—Report 1990-91.
State Bank of South Australia and Subsidiary Companies—Annual Accounts 1990-91.
State Bank Indemnity Document and Deed of Amendment.
State Government Insurance Commission—Financial Statements 1990-91.
Treasury of South Australia—Report 1990-91.

MINISTERIAL STATEMENT: SGIC

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

Leave granted.

The Hon. BARBARA WIESE: The Treasurer in another place tabled the financial statements of SGIC for 1990-91. In the accounts of SGIC the Auditor-General has provided a note regarding the treatment of interfund loans.

On 12 August 1991 the Premier met with the Auditor-General at his request to discuss the difference of opinion existing between him and SGIC concerning the legality of certain interfund transactions and dealings previously undertaken by SGIC. The implications of those transactions for the form and presentation of SGIC's accounts for 1990-91 was discussed. Following those discussions the Premier asked the working group established to advise him on the implementation of the findings of the Government Management Board review of SGIC, to address this issue as a matter of urgency and to prepare recommendations.

The working group has recommended that provisions which would clarify the question of the separate funds to be maintained by SGIC and 'validate' all past interfund transactions and dealings up to and as at 30 June 1991 should be included in the amendments to the SGIC Act which will be introduced in this session of Parliament.

Furthermore, it is proposed to authorise the working group to investigate the consequences of interfund transactions and dealings with a view to determining whether any particular part of SGIC's operations has been materially disadvantaged by these transactions and dealings. Should the working group recommend that parts of SGIC's operations be compensated for any adverse effects of these transactions and dealings, the Government would propose that any such compensation be by way of a capital injection by the Government and not by a transfer of funds or assests from some other part of SGIC's operations. This was conveyed to the Auditor-General by letter on 21 August 1991.

PARLIAMENTARY COMMITTEES BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

This Bill was introduced into the Legislative Council in April of this year in the knowledge that it would lapse. It has now been re-introduced following the winter recess and the receipt of a number of submissions which I shall deal with later. Essentially though, it is the same Bill. It completely overhauls and reforms the existing system of parliamentary committees in South Australia. The increasing diversity of our community and the increasing pace of change place an obligation on Governments to make complex decisions.

It is important that all the decisions of Government no matter how complex and irrespective of size and consequence are able to be put under scrutiny. In a democratic society with a system of government responsible to Parliament, that scrutiny to a considerble extent is carried out by Parliament. These proposals will enhance that process. The Government has had a policy of access to information—a fact testified to by the recent passage of the Freedom of Information Bill through the Parliament and the earlier introduction on an administrative basis of access to personal records as part of the Government's privacy principles. Much of what the Government has done over the last decade has been subject to parliamentary scrutiny—and much of that scrutiny has taken place in parliamentary committees.

However, the existing committee system is antiquated and it imposes constraints both on the Parliament as a whole and on the roles of individual members of Parliament. The business of Government at the end of the twentieth century should continue to be assessible to the people; they should be able to influence and examine what their Governments do on their behalf both directly and through their parliamentary representatives. The changes proposed in this Bill acknowledge the complexity of a modern urban industrialised community and of the right of citizens to hold their elected representatives to account for their decisions and for their actions. It is a sign of the health of a democracy that open debate is encouraged.

Members on both sides of the Council have long acknowledged the need for change to the parliamentary committee system. There have been many attempts at reform including select committees and private members' Bills. Some have tackled the system as a whole, others have tried to modify and expand what already exists. The commitment of the Australian Labor Party to reform Parliament was announced during the 1982 election campaign. The policy statement on Parliament also contained commitments to disclose the pecuniary interests of members of Parliament, to revive a freedom of information working party and to improve access to the law for ordinary Australians. There was a commitment to parliamentary reform, as follows:

> Parliament should be made a more effective instrument for discussion and debate on community issues and for scrutiny of Government actions. The reputation of politicians is low because people are fed up with political bickering and the point scoring which occurs in Parliament. Mechanisms should be developed to assist the promotion of agreement and consensus on issues which are not of great political controversy.

Unfortunately, the actions of the Parliament in recent years have not always enhanced its role in the community, particularly when privilege has been used as a vehicle to attempt to destroy people's reputations. However, the sentiments remain valid and this Bill should make Parliament a better forum for the debate of community issues and scrutiny of Government actions. In 1983, the Attorney-General moved for the establishment of a Joint Select Committee on the Law, Practice and Procedures of the Parliament which had the following terms of reference:

> A review and expansion of the committee system including in particular:
>
> (i) the establishment of a standing committee of the Legislative Council on law reform;
> (ii) the desirability of a separate committee to review the functions of statutory authorities; and
> (iii) the method of dealing with budget estimates including the desirability of a permanent Estimates Committee.

With regard to paragraphs (ii) and (iii), the committee should consider the role and relationship of the Public Accounts Committee in the context of these proposals.

A discussion paper was prepared for the committee, which met on a number of occasions. Unfortunately, the Liberal Opposition in this House did not respond to any of the paper's recommendations and the work of the select committee lapsed following the 1985 election.

The Hon. R.I. Lucas: Which House?

The Hon. BARBARA WIESE: The Legislative Council. That a new system was needed then and is needed now is attested to not just by the various private members' Bills seeking to expand and/or alter the terms of reference of the existing committees but also by the increasing number of select committees being established both in this House and in the other place.

More recently, the member for Elizabeth, Martyn Evans, has played an important role in reviving discussions about the system now proposed to be introduced, and the Government acknowledges his significant contribution to the development of this Bill. Mr Evans has always taken an interest in the role of Parliament as a forum for policy debate and as the body best able to act on behalf of the community by scrutinising legislation, Government actions and Government decisions.

This Bill abolishes the Public Accounts Committee, the Standing Committee on Public Works and the Subordinate Legislation Committee and replaces them with four new committees which will ensure that the full range of activities undertaken in South Australia can come under parliamentary scrutiny. The Bill provides through a single statutory instrument the basis for members of Parliament to scrutinise Government activity, community and policy issues and other matters of importance to the people of South Australia. The establishment of a streamlined and revitalised review process which involves members of Parliament in the processes of government and in significant community issues, as well as encouraging discussion and communication between diverse interest groups across the State, is a significant step in maintaining and reinforcing the principles of parliamentary democracy.

An efficient and effective committee system will increase public contact, awareness and respect for the process of democracy and allow for the development of a review process which establishes links and promotes discussion across disciplines and professions, between regions, between parliamentarians and those who elect them and between public and private sectors. There are many issues in the community which are both difficult and hard to resolve. There are issues about which there are genuine differences of opinion and conscience. There are issues about efficiency and the appropriateness of Government operations. A comprehensive committee system should provide the opportunity for many of these issues to get a hearing.

The committee system proposed in this Bill will allow for full public debate on all the important issues facing South Australians. It will in no way undermine the authority of the Parliament but will enhance it. It will not become an alternative to Parliament, as the committees are committees of the Parliament and are required to report to it.

It will not become an alternative to government as there is not and should not be any requirement for the Government to submit all and every decision to a committee for approval. Committees which are set up purely for the political purpose of harassing government and making government more difficult, do not enhance decision making. A responsible committee can however assist the decision making process and good government.

In the words of Mr Justice Kirby, a former Chairman of the Australian Law Reform Commission:

Public and expert disillusionment with the Parliament is a serious disease which we should seek to check. The other branches of Government (the Cabinet, Judiciary, etc.) are the elite elements in our form of government ... Only the Parliament, with its diversity of members, grafts on to our system the variety of talent and views which partly reflect the mass of the people. Unless we are to give up the notion of democratic government as nothing more than a triennial vote for the people, we should all be concerned to arrest the declining fortunes of the institution which reflects our diverse democracy.

This Bill gives effect to those sentiments. As Professor Emy has said ('The Politics of Australian Democracy', 1983, p. 407):

The case for committees rests on the general premise that the House as a whole is no longer an appropriate body to carry out the legislative functions of scrutiny and investigation. The House should develop more refined instruments for these purposes. It should also provide greater job satisfaction for the backbencher, utilise those talents which are at present frustrated by parliamentary ritual, and offer parliamentarians a more positive chance to contribute to policy discussions, both before the Government is publicly committed to a course of action, and prior to the purely symbolic exchange of views in Parliament.

The Government accepts that case. This Bill has taken a long time to develop and has involved discussions with many people. I would like to thank those people who have been involved, particularly those who made submissions on the Bill which was introduced in April. As a result of those submissions, a number of small alterations have been made to the original Bill. They are:

- A change to the definition of 'public sector operations' to include the words 'public officers'. The effect of this is to ensure that the Auditor-General, for example, can also be subject to parliamentary scrutiny.
- A change to the definition of 'public officer' to exclude officers or members of tribunals as well as officers or members of courts.
- An addition to the terms of reference of all committees of the words 'or by resolution of both Houses' to ensure that the Parliament as a whole could give whatever reference they considered appropriate to a committee.
- A modification of clause 29 in respect of a pecuniary interest of members which members of a committee might have in respect of a matter before them, to ensure that the wording was consistent with Standing Orders.

The Bill in this amended form has now the firm commitment of the Government. The Bill establishes four new Committees. They are: the Economic and Finance Committee; the Environment and Resources Committee; the Legislative Review Committee; and the Social Development Committee. These four committees will be able to scrutinise the full range of Government responsibility and community activity. They will be able to examine and report on virtually any matter affecting the State either of their own motion or by references given to them by Parliament or by the Governor in Executive Council.

In particular, I would like to draw members' attention to a number of important changes that have been made, which may affect them. First, as regards public works, there will no longer be any obligation for capital expenditure to receive the additional approval of what was the parliamentary Public Works Committee. The passage of the budget will be deemed to be sufficient approval. However, public works can still be subject to scrutiny through the proposals in this Bill.

Members will note that Government operations are allocated to one or other of the new committees. Any public work of any value can be examined by a relevant committee in one of three ways. First, through a reference from the Parliament; secondly, through a reference from the Gover-

nor in Executive Council—effectively on the initiative of a Minister and Cabinet—and, thirdly, by the committee on its own motion. This system is seen as more open, more flexible and in line with the role of each committee developing expertise in a particular area. It will also allow a greater degree of discretion.

Secondly, in regard to industries development, the Industries Development Committee will be constituted from the members of the Economic and Finance Committee and will operate in the same way that it does at the moment, namely with two Government members, two Opposition members and a Treasury officer. It will report to the Treasurer and the decision making procedures are the same as at present.

The Economic and Finance Committee is the revised form of the Public Accounts Committee and will have seven members. It is the only committee which will not be a joint House committee. It will not be necessary for the same four members of the Economic and Finance Committee to examine references under the Industries Development Act. That can vary, although the numerical composition of the Industries Development Committee remains the same.

The role and function of the Industries Development Committee have been retained (albeit within the new structure) as an important and valuable means of determining the wisdom or otherwise of using State resources for particular State development purposes. The committee has been linked through common membership to the Economic and Finance Committee because of that committee's role in the scrutiny of public finances.

State finances are the most critical element of Government administration. Whether the focus is actual Government operation, statutory authorities, or the regulation of economic and financial activity, this expanded committee represents the Government's commitment, first, to the importance of getting the fundamentals right and, secondly, to ensuring that good quality debate can emerge in the Parliament as a result of the reports and reviews undertaken by members in the House of Assembly.

Thirdly, a new Social Development Committee has been established to cover the variety of human and community services that are provided by and through government and which have increasingly been brought to the attention of Parliament through private members' motions and select committees. This committee has a wide-ranging charter and the members who serve on it can look forward to some stimulating debate.

Fourthly, the Legislative Review Committee is expanded from the very constrained confines of the old Subordinate Legislation Committee. It will now have a role in examining legal and constitutional reform issues and the very wide-ranging reference to examine the administration of justice, an issue on which there is considerable community debate as well as substantial Government investment.

Finally, the Environment and Resources Committee, freed now from the obligations of examining all public works, will be able to concentrate its attention on the larger debates about land degradation and reafforestation, about air and water quality, about urban development and redevelopment and so on. It is an exciting new step and one which will lead to an interdisciplinary approach to the environment and resource management.

Once a report has been completed it is to be laid before Parliament and submitted to the relevant Minister who will be under an obligation to respond to a committee's recommendation. All of the functions of existing committees are incorporated one way or another in one of the committee's terms of reference. Overall, the number of back-bench members of Parliament involved in committees increases by only one.

Three of the committees are joint House committees but the Economic and Finance Committee remains a committee of the House of Assembly, in line with its responsibilities as the House initiating appropriations to Government functions.

Clauses 32 and 33 provide mechanisms by which the presiding officers of committees can consult with the President and the Speaker about the allocation of resources to each committee.

It is envisaged that each committee will be serviced in a secretarial or administrative manner, in much the same way as the existing committees are. This may also apply to research staff where the capacity exists. However, where that capacity does not exist within the Parliament or where specialist knowledge is required, the committees may, with the approval of the President and/or Speaker, approach the relevant Ministers for appropriate staff, again in much the same way as select committees do now. In addition, the presiding officer of a committee may seek the approval of the President and/or the Speaker for consultancy funds, should they be available within the allocation provided for the administration of Parliament.

This cooperative approach to the servicing of the committees' work should ensure the best utilisation of existing resources. Should there be a need to reassess the operations of the committees after they have been operating for some time, the Government would be prepared to entertain a submission from the Presiding Officers of the two Houses.

It is hoped that this reform of the committee system will encourage parliamentarians to build up specialised knowledge in particular policy areas that will be conducive to an improved public debate on important community issues.

The Bill will come into effect upon proclamation and I can indicate that that will be at the earliest practical opportunity. I commend the Bill to the Council and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the measure to be brought into operation by proclamation.

Clause 3 sets out definitions of terms used in the measure. 'State instrumentality' is defined as any agency or instrumentality of the Crown including administrative units of the Public Service and statutory authorities but excluding bodies wholly comprised of members of Parliament, courts, tribunals and councils or other local government bodies. 'Public sector operations' are defined as operations and activities carried on by public officers or State instrumentalities. 'Public officers' are defined as persons holding or acting in public offices or positions established by or under an Act or otherwise by the Government of the State, but excluding members or officers of the Parliament, courts, tribunals, councils or other local government bodies. These terms are used in clause 6 which sets out the functions of the proposed Economic and Finance Committee.

Clause 4 provides for the establishment of an Economic and Finance Committee as a committee of Parliament.

Clause 5 provides that the Economic and Finance Committee is to be a House of Assembly committee consisting of seven members of the House of Assembly appointed by that House. The clause excludes Ministers of the Crown from membership of the committee.

Clause 6 sets out the functions of the Economic and Finance Committee. These are—

(a) to inquire into, consider and report on such of the following matters as are referred to the committee:

(i) any matter concerned with finance or economic development;

(ii) any matter concerned with the structure, organisation and efficiency of any area of public sector operations or the ways in which efficiency and service delivery might be enhanced in any area of public sector operations;

(iii) any matter concerned with the functions or operations of a particular public officer or State instrumentality or whether a particular public office or State instrumentality should continue to exist or whether changes should be made to improve efficiency and effectiveness in the areas;

(iv) any matter concerned with regulation of business or other economic or financial activity or whether such regulation should be retained or modified in any area;

(b) to perform such other functions as are imposed on the committee under any Act or by resolution of both Houses of Parliament.

Clause 7 provides for the establishment of an Environment and Resources Committee as a committee of Parliament.

Clause 8 provides that the Environment and Resources Committee is to be a joint committee. The committee is to consist of six members, three from the House of Assembly appointed by that House and three from the Legislative Council appointed by the Council. The clause excludes Ministers from membership of the committee.

Clause 9 sets out the functions of the Environment and Resources Committee. These are—

(a) to inquire into, consider and report on such of the following matters as are referred to the committee:

(i) any matter concerned with environment or how the environment or how the quality of the environment might be protected or improved;

(ii) any matter concerned with the resources of the State or how they might be better conserved or utilised;

(iii) any matter concerned with planning, land use or transportation;

(b) to perform such other functions as are imposed on the committee under any Act or by resolution of both Houses of Parliament.

Clause 10 provides for the establishment of a Legislative Review Committee as a committee of Parliament.

Clause 11 provides that the Legislative Review Committee is to be a joint committee. It is to consist of six members, three being members of the House of Assembly appointed by that House and three being members of the Legislative Council appointed by the Council. Ministers are excluded from membership of the committee.

Clause 12 sets out the functions of the Legislative Review Committee. These are—

(a) to inquire into, consider and report on such of the following matters as are referred to the committee:

(i) any matter concerned with legal, constitutional or parliamentary reform or with the administration of justice but excluding any matter concerned with Joint Standing Orders of Parliament or the Standing Orders or rules of practice of either House;

(ii) any Act or subordinate legislation, or part of any Act or subordinate legislation, in respect of which provision has been made for its expiry at some future time and whether it should be allowed to expire or continue in force with or without modification or be replaced by new provisions;

(iii) any matter concerned with intergovernmental relations;

(b) to inquire into, consider and report on subordinate legislation referred to it under the Subordinate Legislation Act 1978;

(c) to perform such other functions as are imposed on the committee under any Act or by resolution of both Houses of Parliament.

Clause 13 provides for the establishment of a Social Development Committee as a committee of Parliament.

Clause 14 provides that the Social Development Committee is to be a joint committee and to consist of five members, three being members of the House of Assembly appointed by that House and two being members of the Legislative Council appointed by the Council. Ministers are excluded from membership of the committee.

Clause 15 sets out the functions of the Social Development Committee. These are—

(a) to inquire into, consider and report on such of the following matters as are referred to the committee:

(i) any matter concerned with the health, welfare or education of the people of the State;

(ii) any matter concerned with occupational safety or industrial relations;

(iii) any matter concerned with the arts, recreation or sport or the cultural or physical development of the people of the State;

(iv) any matter concerned with the quality of life of communities' families or individuals in the State or how that quality of life might be improved;

(b) to perform such other functions as are imposed on the committee under any Act or by resolution of both Houses of Parliament.

Clause 16 deals with references to committees. Under the clause, any matter that is relevant to the functions of a committee may be referred to the committee—

(a) by resolution of the committee's appointing House or Houses;

(b) by the Governor, by notice published in the *Gazette*; or

(c) of the committee's own motion.

The clause makes it clear that this provision is in addition to and does not derogate from the provisions of any other Act under which a matter may be referred to a committee.

Clause 17 deals with reporting by committees. Under the clause, a committee must, after inquiring into and considering any matter referred to it, report on the matter to its appointing House or Houses. The clause allows a committee's appointing House or Houses, when referring a matter to the committee, to fix a period within which the com-

mittee is required to present a final report to the House or Houses on that matter. Each committee is required—

(a) to give priority—

(i) to the matters referred to it under any other Act;

(ii) to the matters referred to it by its appointing House or Houses;

(iii) to the matters referred to it by the Governor, and then deal with any other matters before the committee;

and

(b) to comply with any limitation of time fixed by its appointing House or Houses.

The clause provides that a committee may make interim reports and publish documents relating to a referernce. A committee may include in a report a draft Bill to give effect to any recommendation of the committee. The clause provides for the inclusion of minority reports in committee reports.

Clause 18 provides that, on a report being presented by a committee to its appointing House or Houses, the House or Houses may, by resolution, remit the matter or any of the matters to which the report relates to the committee for their further consideration and report.

Clause 19 provides for automatic reference of a committee report, or part of a committee report, to the responsible Minister if the committee so recommends in its report. This is to occur on the report being presented by the committee to its appointing House or Houses. The Minister is required by the clause to respond within four months and to include in the response statements as to which (if any) recommendations of the committee will be carried out and the manner in which they will be carried out and which (if any) recommendations will not be carried out and the reasons for not carrying them out. The Minister's response must be laid before the committee's appointing House or Houses within six sitting days after it is made.

Clause 20 provides for the term of office of committee members. Members are to be appointed as soon as possible after the commencement of each new Parliament and to remain in office until the first sitting day of the member's appointing House following the next general election.

Clause 21 provides for vacancies in office and removal of members. A member may be removed by the member's appointing House. The clause provides that a member ceases to be a member if he or she dies, resigns by notice in writing to the Presiding Officer of the member's appointing House, completes a term of office and is not reappointed, ceases to be a member of his or her appointing House, becomes a Minister or is removed from office by his or her appointing House. The clause provides for the filling of casual vacancies.

Clause 22 ensures the validity of committee proceedings despite a vacancy in committee membership.

Clause 23 requires each committee to appoint one of its members from time to time as presiding officer of the committee.

Clause 24 deals with the procedure at committee meetings. The clause provides for meetings to be chaired by the presiding officer or, in his or her absence, by a person elected by the committee and for a quorum of a half plus one. The person presiding at a meeting is to have a deliberative vote only.

Clause 25 ensures that a committee may sit during recesses and adjournments of Parliament and during intervals between Parliament, but not while its appointing House or either of its appointing Houses is sitting except by leave of that House.

Clause 26 provides that, unless the committee otherwise determines, members of the public may be present while a committee is examining witnesses but not while it is deliberating.

Clause 27 requires a committee to keep full and accurate minutes.

Clause 28 provides that a committee has the same powers to summon and compel the attendance of witnesses and the production of documents as a royal commission under the Royal Commissions Act 1917 and attracts the operation of the relevant provisions of that Act. The clause makes it clear that this is in addition to, and not in derogation of, the powers, privileges and immunities that apply to a committee as a committee of Parliament.

Clause 29 provides that a committee member is not to take part in proceedings relating to a matter in which the member has a direct pecuniary interest that is not shared in common with the rest of the subjects of the Crown.

Clause 30 ensures that a committee may continue and complete matters before it despite changes in its membership.

Clause 31 protects committees from judicial review.

Clause 32 places a duty on the President and the Speaker to avoid duplication by committees, to arrange for staff and facilities for committees and, generally, to ensure their efficient functioning. The President and Speaker are to fulfil this role in consulitation with the presiding officers of the committees.

Clause 33 provides that a committee may, with the approval of the Minister administering an administrative unit of the Public Service, on terms mutually arranged, make use of employees or facilities of that administrative unit. Under the clause, a committee may commission any person to investigate and report to the committee on any aspect of any matter referred to the committee. In both instances a committee must obtain the prior authorisation of the Presiding Officer or Presiding Officers of the committee's appointing House or Houses.

Clause 34 provides that the office of a member of a committee (including the office of presiding officer) is not an office of profit under the Crown.

Clause 35 provides that the money required for the purposes of the measure is to be paid out of money appropriated by Parliament for the purpose.

The schedule provides for consequential repeals and amendments. It provides for the repeal of the Public Accounts Committee Act 1972 and the Public Works Standing Committee Act 1927.

It provides for amendments to the Constitution Act 1934, the Industries Development Act 1941, the Parliamentary Remuneration Act 1990, the Planning Act 1982 and the Subordinate Legislation Act 1978.

The Constitution Act is amended to remove references to the Joint Committee on Subordinate Legislation.

The Industries Development Act is amended to change the parliamentary representation on the Industries Development Committee so that the four members (two Government and two Opposition) are drawn from the membership of the new Economic and Finance Committee by nominations from time to time by that committee rather than by appointment by the Governor.

The schedule to the Parliamentary Remuneration Act is amended to substitute references to the new committees for references to the existing committees in relation to additional annual salary for officers on parliamentary committees.

Provision is made for additional annual salary as follows:

	Percentage of basic annual salary
Presiding Officer of the Economic and Finance Committee	17
Other members of the Economic and Finance Committee	12
Presiding Officer of the Environment and Resources Committee	17
Other members of the Environment and Resources Committee	12
Presiding Officer of the Legislative Review Committee	14
Other members of the Legislative Review Committee	10
Presiding Officer of the Social Development Committee	14
Other members of the Social Development Committee	10

No additional annual salary is provided for membership of the Industries Development Committee.

The Planning Act is amended so that it provides for supplementary development plans to be referred to the new Environment and Resources Committee rather than, as at the present, the Committee on Subordinate Legislation.

Finally, the Subordinate Legislation Act is amended by incorporating into that Act provisions currently contained in Joint Standing Orders for the reference of regulations. Under these provisions, every regulation that is required to be laid before Parliament is, when made, referred by force of the provisions to the new Legislative Review Committee.

The committee is required to inquire into and consider all regulations referred to it.

The committee is required to consider all regulations as soon as conveniently practicable after they are referred to the committee and, if Parliament is then is session, to do so before the end of the period within which any motion for disallowance of the regulations may be moved in either House of Parliament.

Under the provisions, if the committee forms the opinion that any regulations ought to be disallowed, it must report the opinion and the grounds for the opinion to both Houses of Parliament before the end of the period within which any motion for disallowance of the regulations may be moved in either House. If Parliament is not in session, it may, before reporting to Parliament, report the opinion and the grounds for the opinion to the authority by which the regulations were made.

The Hon. R.I. LUCAS secured the adjournment of the debate.

GEOGRAPHICAL NAMES BILL

Received from the House of Assembly and read a first time.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

This Bill is the culmination of a review of the provisions for assigning geographical place names. The current Act has remained unchanged since its proclamation in 1970. The review was mounted as part of an overall examination of the Department of Lands legislative program.

The review identified a number of specific problems that needed to be addressed. It questioned the need for a board to administer geographical naming requirements; it highlighted the problems caused to Australia Post and emergency services organisations by the uncontrolled use of estate names in advertising property development; it identified the inflexibility of the Act in the area of assigning dual names to places which have both Aboriginal and European significance, and it demonstrated the inability to level charges for activities carried out by Government in geographical names matters. The review concluded that a completely new Act was appropriate.

As part of the review process, comments were sought from interested parties. A number of submissions were received from local government bodies and property developers, demonstrating that the sector of the community involved in geographical activities had a keen interest in the development of the Bill. Subsequently, draft proposals for a new Geographical Names Act were distributed to those groups which had lodged submissions. The responses were then considered in the formulation of this Bill.

Attention may now be given to specific aspects of the Bill. The object of this Bill is to repeal the Geographical Names Act 1969 and to provide new legislation for assigning geographical names to places.

The purpose of the new Act is to provide an orderly means of determining and assigning geographical names to places in South Australia.

A major departure from the former Act is the removal of the Geographical Names Board and the transfer of this body's responsibilities to the Surveyor-General and the Minister of Lands. All applications for the assignment of, or change to, geographical names are currently directed to the Geographical Names Board. The board, after consideration of the facts, recommends to the Minister that the application be either accepted or rejected. Under the new Act, applications will be forwarded to the Surveyor-General. The Surveyor-General, in consultation with the Geographical Names Advisory Committee established under the new legislation, will then advise the Minister on the appropriate course of action. The final determination of the geographical name will lie with the Minister.

Another area of change is in the assignation of dual geographical names to places. The current legislation makes no allowance for assigning dual names to places which have both a European and Aboriginal name. The new legislation will provide the legislative authority for this procedure. This will be unique in Australia.

A matter which has been of concern in the past has been the uncontrolled use of estate names in urban land developments. Although the current legislation provides that it is an offence to display any name other than the assigned geographical name in advertisements etc., the Crown Solicitor has advised that the wording is ambiguous and prosecutions would most likely be unsuccessful. The use of estate names is a concern to both Australia Post and the emergency services organisations which rely on the assigned geographical name in carrying out their responsibilities.

Complaints of misrepresentation have also come from members of the public who have claimed that when they purchased their land they were not aware of the official suburb name. For example, one person who bought a property in an estate named Huntingdale, on later discovering that the official suburb name was Hackham, contacted the Geographical Names Board expressing his concern that the official suburb name was not shown on any advertising material relating to the land. He claimed that there had been misrepresentation by the developer.

Estate names, however, provide a valuable marketing tool for the land developer. In order to take into account the needs of both bodies, the new legislation will require that in the advertising of all new estates, the assigned geograph-

ical name must be prominently displayed on any material issued to the public. The Surveyor-General has contacted representatives of the land developments industry with a view to developing acceptable standards in this area. Some existing advertising material used to market land may fall outside the guidelines established by the industry. Provided this material does not grossly misrepresent the situation and cause a public mischief, its use will not be considered an offence against the Act.

The administration of geographical name activities costs the State approximately $100 000 per annum. Much of this is spent in investigating naming applications necessary for the development of the State. Applications are, from time to time, lodged by individuals or organisations requesting that suburb boundaries be altered for various reasons. The costs associated with researching these applications is considerable. It is proposed in the new legislation to allow the Surveyor-General to levy charges on applications of this type.

The Government trusts that this Bill will be well received and looks forward to its passage through Parliament and its successful implementation. I commend the Bill to members and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part I comprising clauses 1 to 5 contains preliminary provisions.

Clauses 1 and 2 are formal.

Clause 3 defines words and expressions used in the Bill. In particular, 'geographical name' is defined as a name assigned or approved under this Act to a 'place', which is, in turn, defined as any area, region, locality, city, suburb, town, township, or settlement, or any geographical or topographical feature, and includes any railway station, hospital, school and any other place or building that is, or is likely to be, of public or historical interest.

Clause 4 provides that this Act does not apply to the name of a municipality, district or ward constituted or established under the Local Government Act 1934, an electoral district, division or subdivision established under the Constitution Act 1934 or the Electoral Act 1985, or to a road or street. The Governor may by proclamation exempt any place or any place of a type or kind from the provisions of this Act. The Governor may, by subsequent proclamation, vary or revoke a proclamation made under this clause.

Clause 5 provides that the Crown is bound by this Act.

Part II comprising clauses 6 to 11 contains administrative provisions.

Clause 6 sets out the functions of the Minister. In particular, the Minister is responsible for assigning names to places.

Clause 7 provides that the Minister may delegate any of his or her powers or functions under this Act to the Surveyor-General, to the Geographical Names Advisory Committee or to a person for the time being occupying a particular office or position.

Clause 8 provides for the manner in which the Minister assigns a geographical name to a place.

Subclause (1) provides that where the Minister is satisfied that the recorded name of a place is the name that is, by common usage, assigned to that place, the Minister may publish a notice in the *Gazette* declaring that from the date of the publication of the notice the recorded name is approved as its geographical name.

Subclause (2) provides that, except where subclause (1) applies, where the Minister proposes to assign or alter a geographical name of a place, he or she must cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place a notice that sets out a description of the place together with the proposed geographical name or proposed alteration to the geographical name of that place. It must also invite any interested person to make a written submission to the Minister in relation to the proposal within one month of the publication of the notice.

This clause further provides that after taking into account any submission received, the Minister may, by notice published in the *Gazette*, declare that the geographical name of a place is the name set out in the notice or that the geographical name of a place is altered to the name set out in the notice. The Minister may assign to a place a dual geographical name that is comprised of an aboriginal name that is the aboriginal name for that place and another name and may, by notice published in the *Gazette*, declare that from the date specified in the notice the use of a geographical name of a place is discontinued.

Subclause (7) provides that the Minister must take into account the advice of the Surveyor-General in carrying out his or her functions under this clause.

Clause 9 sets out the functions of the Surveyor-General under this Act. In particular, the Surveyor-General is responsible for advising the Minister with respect to any matter relating to the administration or operation of this Act.

Clause 10 provides for the establishment of the Geographical Names Committee consisting of the Surveyor-General (the presiding member) and five other persons appointed by the Minister on the recommendation of the Surveyor-General.

Clause 11 provides that the functions of the Committee are to advise the Minister and the Surveyor-General on the performance of their functions under this Act, to monitor the operation of this Act and to make recommendations where appropriate on its administration.

Part III comprising clauses 12 to 18 contains the miscellaneous provisions.

Clause 12 provides that, on application, the Surveyor-General may approve a name given to a hospital or an educational institution or to an area of land that is divided for residential, industrial or commercial purposes after the commencement of this Act or to any other place or type of place specified by the Surveyor-General by notice published in the *Gazette*.

Clause 13 provides that where a geographical name has been assigned to a place under clause 8 or a name for a place has been approved pursuant to an application under clause 12, it is an offence (carrying a division 6 fine) for a person to produce or cause to be produced a document (which is defined to include a book, guide, manual, map, newspaper, notice or billboard) or advertisement in which a name is specifically or impliedly represented to be the name of that place unless the assigned geographical name or the approved name is also prominently represented.

Clause 14 provides that an offence against this Act (which is a summary offence) must not be commenced without the consent of the Minister. In any proceedings for such an offence, a certificate apparently signed by the Minister giving his or her consent to the proceedings is, in the absence of proof to the contrary, to be accepted as proof of the Minister's consent.

Clause 15 provides the Surveyor-General with the power to recover the reasonably incurred costs and expenses in

dealing with an application from any person who applies for the assignment of a geographical name to a place, a change to the geographical name or boundaries of a place or an approval under clause 12. In any proceedings under this clause, a certificate apparently signed by the Surveyor-General certifying the costs and expenses incurred in dealing with such an application is, in the absence of proof to the contrary, to be accepted as proof of the costs and expenses.

Clause 16 provides that nothing in this Act and nothing done pursuant to this Act affects the operation or validity of any instrument or agreement that creates or imposes any rights or liabilities. Nothing in this Act imposes any obligation on or otherwise applies to the Registrar-General.

Clause 17 provides for the making of regulations by the Governor.

Clause 18 repeals the Geographical Names Act 1969.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

CLEAN AIR (OPEN AIR BURNING) AMENDMENT BILL

Received from the House of Assembly and read a first time.

ABORIGINAL LANDS TRUST (WANILLA)

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves to recommend to Her Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966, sections 160 and 166, Hundred of Wanilla be transferred to the Aboriginal Lands Trust.

ABORIGINAL LANDS TRUST (COPLEY)

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves to recommend to Her Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966, section 1278 Out of Hundreds (Copley) be transferred to the Aboriginal Lands Trust.

ADJOURNMENT

At 4.42 p.m. the Council adjourned until Tuesday 10 September at 2.15 p.m.